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# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

No. ~~117.~~ 439 1879

THE UNITED STATES, APPELLANT,

vs.

THE STEAMER NUESTRA SENORA DE REGLA, HER TACKLE, &C., LA COMPAGNIA DEL FERRO CARREL DE LA BAHIA DE LA HABANA A MATANZAS, CLAIMANTS.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

FILED DECEMBER 11, 1879.



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## No. 717.

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APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

INDEX.


| | Original. | Print. |
|---|---|---|
| Clerk's certificate | a | 1 |
| Libel | 1 | 1 |
| Monition | 5 | 2 |
| Claim | 8 | 3 |
| Deposition of I. A. Reynals | 13 | 5 |
| J. S. Simmons | 27 | 10 |
| J. J. Hawkins | 39 | 15 |
| Thos. Tawnatt | 49 | 19 |
| Oath of interpreter | 61 | 23 |
| Deposition of Ygnosio Lapetgui | 62 | 23 |
| Angel Gonsales | 70 | 26 |
| Frank McGinn | 77 | 29 |
| Joseph McGee | 88 | 33 |
| Peter W. Coon | 97 | 36 |
| Geo. W. Kearney | 107 | 39 |
| Exhibit Z. Letter of Secretary Seward to E. D. Smith, United States attorney, Southern District of New York | 119 | 44 |
| No 1 (B), letter of Sherman to Garesche | 120 | 44 |
| No. 1 (C), letter of General Sherman to General Thomas | 121 | 44 |
| No. 2 (A), letter of General Sherman to Adjutant-General | 125 | 45 |
| No. 1 (A), order of General Sherman to provost marshal | 127 | 46 |
| No. 2 (B), report of provost marshal to General Sherman | 128 | 46 |
| A, No. 1, letter of Hall & Co. to Canet & Garbalena | 131 | 47 |
| A, No. 2, letter of N. Malga to J. Maseras | 133 | 47 |
| A, No. 3, letter of V. Malga to —— —— | 135 | 48 |
| A, No 4, letter of N. Malgue to S. Vila | 140 | 49 |
| A, No. 5, letter of Hall & Co. to A. Rubivosa | 142 | 50 |
| A, No. 6, letter of Hall & Co. to Regalt Cardet & Co. | 144 | 50 |

| | Original. | Print. |
|---|---|---|
| Exhibit A, No. 7, letter of Lawrence to Cita | 148 | 51 |
| B, No. 1 (1), letter of Cobia & Co. to Jas. Smith | 152 | 53 |
| B, No. 1 (2), letter of W. C. Breese to Sam'l Smith | 154 | 53 |
| B, No. 1 (3), draft on Liverpool for £1,000 | 154½ | 53 |
| B, No. 1 (4), draft on Liverpool for £1,000 | 155 | 54 |
| B, No. 2 (1), letter of Beverly Tucker to C. R. Privleau | 156 | 54 |
| B, No. 2 (2), draft on Liverpool for £187 10*s.* 0*d.* | 157 | 55 |
| B, No. 3, letter of Bev. Tucker to M. Sillig | 158 | 55 |
| B, No. 4 (1), letter of B. T. to Gifford | 160 | 56 |
| B, No. 4 (2), letter of J. Gorgas, chief of ordnance, to Tucker & Gifford | 161 | 56 |
| B, No. 4 (3), letter of C. G. Memminger, secretary, &c., to Beverly Tucker | 163 | 57 |
| B, No. 4 (6), directions for purchase of goods, &c | 164 | 58 |
| B, No. 4 (4), letter of Purcell, Ladd & Co. to Tucker & Gifford | 166 | 58 |
| B, No. 4 (5), agreement between, Tucker & Gifford and Purcell, Ladd & Co | 168 | 59 |
| B, No. 4 (7), mem. of drugs, &c., for P., L. & Co | 171 | 60 |
| B, No. 5, letter of Caskie to Laurie Sommervail & Co | 177 | 62 |
| B, No. 6, letter of Caskie to Sommervail & Co | 178 | 63 |
| B, No. 7, invoice | 179 | 63 |
| B, No. 8, draft on London for $586.41 | 180 | 63 |
| C, No. 1, letter of Jno. C. Cochran to Rigal, Dardet & Co., inclosing draft for $100 | 181 | 64 |
| C, No. 2, letter of Clarence ——— to Mrs. Barksdale | 182 | 64 |
| C, No. 2 (2), draft for $285.75 | 183 | 65 |
| C, No. 3, letter of C. J. S. Bacon to Miss E. Bacon | 184 | 65 |
| C, No. 3, letter of Bacon to British consul at Havana | 190 | 67 |
| C, No. 3 (3), draft on Liverpool for £20 | 191 | 67 |
| C, No. 4 (3), draft on London for £281 5*s.* 0*d* | 192 | 67 |
| C, No. 4 (1, 2, 3, 4), letter of Schroder Bros. to H. Upmann & Co. | 193 | 67 |
| C, No. 5, draft on Liverpool for £25 | 194 | 68 |
| C, No. 5, letter of Armstrong to P. O. Connor | 195 | 68 |
| C, No. 6, letters to Miss S. S. Feityea | 196 | 68 |
| draft on Baltimore for $100 | 204 | 71 |
| C, No. 7, letter of Rollins to Belt | 207 | 72 |
| C, No. 8, letter to Mrs. Anna E. Webb | 209 | 72 |
| C, No. 9, letter to M. Redmond | 214 | 73 |
| C, No. 10, letter | 216 | 74 |
| C, No. 11, letter to Carlos Booth | 218 | 74 |
| C, No. 12, letters | 220 | 75 |
| C, No. 13, letter of Phin to Dorn | 224 | 76 |
| C, No. 14, letter of W. M. Hazzard to ——— | 226 | 77 |
| D, No. 1, letter of Hall & Co. to ———, in Spanish | 230 | 78 |
| D, No. 2, letter of Hall & Co. to ———, in Spanish | 235 | 80 |
| D, No. 3, letter of Hall & Co. to ———, in Spanish | 237 | 80 |
| D. No. 4, letter of V. Malga to I. Renter | 239 | 81 |
| D, No. 5, letter of Puig to I. Alandi | 241 | 82 |
| D, No. 6, letter of Hall & Co. to ——— ——— | 246 | 83 |
| D, No. 7, letter of ——— ——— to B. Alence | 248 | 84 |
| D, No. 8, letter of ——— ——— to Mml. J. Wambacher | 252 | 85 |
| D, No. 9, letter of E. Claude to M. Dominique | 253 | 85 |
| D, No. 10, letter of ——— ——— to Mrs. Anne Cornish | 254 | 86 |
| D, No. 11, letter of ——— ——— to Pedrode Llano | 262 | 88 |

| | Original. | Print. |
|---|---|---|
| Exhibit D, No. 12, letters | 263 | 88 |
| D, No. 13, letter of —— —— to A. Malga | 267 | 90 |
| E, No. 1, letter of La Roche & Bell to Gladding | 271 | 91 |
| E, No. 2, letter of —— —— to M. Nathan | 273 | 91 |
| E, No. 2, translation | 277 | 93 |
| E, No. 3, translation | 279 | 93 |
| E, No. 4, letters | 280 | 93 |
| E, No. 5, letter of Wright & Buck to Morales & Co | 286 | 95 |
| E, No. 6, letter of Wright & Buck to L. T. Knight | 287 | 95 |
| E, No. 7, letter of Fernandez to —— —— | 289 | 96 |
| E, No. 8, letter to Burnham & Co | 291 | 97 |
| E, No. 9, letter to Carlos Booth from E. L. H. | 292 | 97 |
| E, No. 10, letter to F. Sala from T. Tomas | 296 | 98 |
| E, No. 11, letter to Gomez y Salas from —— | 298 | 99 |
| E, No. 12, letter to Miss Clara Fernandez from —— | 300 | 99 |
| E, No. 13, letter to W. Grudot from C. Grudot | 304 | 101 |
| E, No. 14, letter to Mrs. Jno. Liddell | 306 | 101 |
| E, No. 15, letter to Mrs. Julian McAllister | 309 | 102 |
| E, No. 16, letter to Mrs. A. W. Neal | 313 | 103 |
| E, No. 17, letters to P. Duclos | 314 | 104 |
| E, No. 18, letter to H. W. Thayer | 325 | 107 |
| E, No. 18, letter to Miss Mixer | 329 | 108 |
| E, No. 19, letter to Dr. D. T. D. Dyche | 333 | 109 |
| E, No. 20, letter to Mrs. S. A. Grant from G. E. Johnston | 335 | 110 |
| E, No. 21, letter to Mrs. S. A. Grant from —— —— | 336 | 110 |
| E, No. 22, letter to Mrs. S. B. Crosby | 337 | 110 |
| E, No. 23, letter to Wm. Neilson from T. J. Ken | 338 | 111 |
| Exhibits No. 1 to No. 20, letters in Spanish to Emilio Puig | 340 to 424 | 111 |
| Exhibit G, No. 1, letter to H. C. Myers | 425 | 135 |
| G, No. 2, translation of protest for injury, &c | 429 | 136 |
| G, No. 3, certificate of Spanish consul | 445 | 141 |
| G, Nos. 4 and 5, clearance, &c | 447 | 142 |
| G, No. 6, consul's certificate | 450 | 143 |
| G, No. 7, consul's certificate | 451 | 143 |
| G, No. 8, —— —— | 452 | 143 |
| Final decree, June 20, 1863 | 456 | 145 |
| Order staying proceedings | 458 | 145 |
| referring to Commissioner Betts | 460 | 146 |
| to withdraw charter party | 461 | 146 |
| of appraisement, August 2, 1862 | 462 | 147 |
| Notice of motion to appraise | 464 | 147 |
| Verified copy of letter of Secretary of Navy | 466 | 148 |
| Appraiser's oath | 467 | 148 |
| Appraiser's report | 468 | 149 |
| Commissioner's report, May 19, 1871 | 470 | 150 |
| Libellants' exceptions | 473 | 151 |
| Final judgment, October 28, 1871 | 475 | 151 |
| Appeal | 479 | 153 |
| Mandate Supreme Court United States | 483 | 154 |
| Notice of motion | 486 | 155 |
| Order under mandate | 487 | 155 |
| Commissioner's second report | 490 | 156 |
| Testimony on reference | 494 | 157 |
| Libellants' exceptions to report | 512 | 163 |
| Claimants' exceptions to report | 514 | 164 |

| | Original. | Print. |
|---|---|---|
| Motion, papers for vacating reference | 515 | 165 |
| Affidavit of Chas. Donohue | 530 | 169 |
| Order, Judge Choate | 541 | 172 |
| Affidavit and notice of motion to amend exceptions | 544 | 173 |
| Order denying motion to amend exceptions | 560 | 178 |
| Amended exceptions | 562 | 179 |
| Decision of Judge Choate, March 1, 1879 | 564 | 180 |
| Final decree | 567 | 181 |
| Notice of appeal | 569 | 181 |
| Petition of appeal | 570 | 182 |
| Citation on appeal | 577 | 184 |

*a* UNITED STATES OF AMERICA,
*Southern District of New York, ss:*

THE UNITED STATES, LIBELLANTS & APPELLANTS,
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c., and cargo.
} In prize. 17, 187.

I, Samuel H. Lyman, clerk of the district court of the United States of America for the southern district of New York, do hereby certify that the writings annexed to this certificate are true copies of their respective originals on file and remaining of record in my office.

In testimony whereof I have caused the seal of the said court to be hereunto affixed, at the city of New York, in the southern district of New York, this sixth day of December, in the year of our Lord one thousand eight hundred and seventy-nine, and of the Independence of the said United States the one hundred and fourth.

[SEAL.] SAM'L H. LYMAN, *Clerk.*

S. L. Woodford, U. S. att'y for appellants.
Beebe & Donohue, proctors for claimant and appellee.
W. R. Beebe, W. A. Butler, advocates for cl't.

1 United States district court, southern district of New York.

THE UNITED STATES OF AMERICA
*against*
THE STEAMER NUESTRA SENORA DE REGLA, tackle, &c.
} In prize.

To the honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York

The libel of information in prize filed herein by E. Delafield Smith, attorney of the United States for the southern district of New York, on behalf of said libellants and of the naval captors in interest, respectfully represents to this honorable court:

First. That the steamer or vessel called the Nuestra Senora de Regla, with the goods, wares, and merchandise laden therein, was captured as lawful prize on or about the day of December, 1861, and at or near Port Royal, South Carolina, by General Sherman, U. S. A., com-
2 manding in that department, and was on or about the 29th day of January, 1862, turned over to Flag Officer S. F. DuPont, of the United States Navy, commanding at that station.

Second. That the steamer or vessel called the Nuestra Senora de Regla, with the goods, wares, and merchandise laden therein, were at the time of such capture, and are now, rightfully subject to such capture, and were and are lawful prize, and as such should be condemned and forfeited to the use of the libellants.

Third. That the said steamer or vessel called the Nuestra Senora de Regla, with the goods, wares, and merchandise laden therein, have been brought to the port of New York, and are now at said port, and within the jurisdiction of this honorable court.

Fourth. That by reason of the premises, the said steamer or vessel called the Nuestra Senora de Regla, her tackle, apparel, and furniture,

with the goods, wares, and merchandise laden therein, became
3 and are liable to condemnation and forfeiture as lawful prize, and should be condemned and forfeited as lawful prize to the libellants.

That all and singular the premises are and were true, and within the jurisdiction of this honorable court; in attestation whereof, the said attorney exhibits the said vessel's papers, and the documents, &c., found on board, together with the testimony of the witness, duly taken in preparatorio by the prize commissioners appointed by this honorable court, which are or will be duly filed in the registry of this court.

Wherefore the said attorney of the United States, on behalf of the said United States, prayes the usual process and monition of this honorable court against the said steamer or vessel called the Nuestra Senora de Regla, and her tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein, in this behalf to be made, and that all persons interested in the said vessel and her cargo may be cited to answer in the premises; and that, all due proceedings being had therein, this honorable court may be pleased to decree for the condemnation
4 for forfeiture aforesaid, and that the said steamer, her tackle, apparel, and furniture, with the goods, wares, and merchandise laden therein, may be condemned as lawful prize to the use of the said United States.

Dated New York, June 9th, 1862.

E. DELAFIELD SMITH,
*U. S. Dist. Attorney.*
By J. S. W., *Ass't.*

4½ (Indorsed:) 1. 17,187. In prize. U. S. district court. The United States vs. Steamer Nuestra Senora de Regla, tackle, &c. Libel. E. Delafield Smith, U. S. District Attorney. Filed June 9th, 1862.

5 SOUTHERN DISTRICT OF NEW YORK, *ss:*

The President of the United States of America to the marshal of the southern district of New York, greeting:

Whereas a libel hath been filed in the district court of the United States for the southern district of New York, on the ninth day of June, in the year of our Lord one thousand eight hundred & sixty-two, by E. Delafield Smith, esq., U. S. dist. attorney, on behalf of the United States of America, against the steamer Nuestra Senora de Regla, her tackle, &c., and cargo, for the reasons and causes in the said libel mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons interested in the said steamer, her tackle, &c., and cargo, may be cited in general and special, to answer the premises, and all proceedings being had that the said steamer, her tackle, &c., and cargo may, for the causes in the said libel mentioned, be condemned as lawful prize to the use of the United States.

You are therefore hereby commanded to attach the said steam-
6 er, her tackle, &c., and cargo, and to detain the same in your custody until the further order of the court respecting the same, and to give due notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel, that they be and appear before the said court, to be held in and for the southern district of New York, on the first day of July next, at eleven o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a

claim for the same, and to make their allegations in that behalf. And what you shall have done in the premises do you then and there make return thereof, together with this writ.

Witness the honorable Samuel R. Betts, judge of the said court, at the city of New York, in the southern district of New York, this ninth day of June, in the year of our Lord one thousand eight hundred and sixty-two, and of our Independence the eighty-sixth.

GEO. F. BETTS, *Clerk.*

E. DELAFIELD SMITH,
*U. S. District Attorney.*

7 (Indorsed:) 2. In prize. 17, 187 . Southern dist. of New York. United States dist. court. The United States vs. The steamer Nuestra Senora de Regla & cargo. Monition ret'ble 1st July, '62. E. Delafield Smith, U. S. attorney. Filed the 1st day of July, 1862.

In obedience to the within mo'tion I attached the steamer Nuestra Senora de Regla & cargo therein described, on the 9th day of June, 1862, and have given due notice to all persons claiming the same that this court will, on the 1st day of July, inst. (if that day should be a day of jurisdiction, if not, on the next day of jurisdiction thereafter), proceed to the trial and condemnation thereof, should no claim be interposed for the same.

Dated 1 July, 1862.

ROBT. MURRAY,
*U. S. Marshal.*

Beebe, Dean & Donohue. One week to ans.

8 To the honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York.

The claim of the Comp[a] del Ferro Carrel de la Bahia de la Habana a Matanzas, claiming the steamer called the Ntra. Sa. de Regla, arrested at the suit of the United States as prize, respectfully shows:

First. The claimants are a corporation, created by the laws of Spain and carrying on business at Havana, in the island of Cuba, and they are subjects of the Queen of Spain.

Second. That these claimants are the true and only owners of the said steamboat, and the whole of her, and were so at the time of the seizure, and of her engines, tackle, apparel and furniture, and any part thereof, and entitled to a return thereof to them with damages for the detention & inj'ri's thereof.

Third. That claimants den*ies* all the statements of the libel except that the said vessel was seized on or about the first of December, 1862, in consequence of a refusal to sell.

Fourth. That the claimants alleg*es* that those on board of said vessel at the time of such seizure were detached from her, & the vessel detained until about the first of April before being sent here for adjudication.

9 Fifth. That all & singular the premises are here within the jurisdiction of the court.

Wherefore the claimant prays that said vessel may be delivered to to them with costs & damages for her detention.

THE COMP[A] DEL FERRO CARREL DE LA BAHIA
DE LA HABANA A MATANZAS.
IGNATIO REYNALS.

Sworn to before me this 9th day of July, N. Y., 1862.
O. D. STEELE,
*Notary Public.*

Beebe, Dean & Donohue for def't cl'm't.

10 UNITED STATES OF AMERICA,
*Southern District of New York:*

Ignatio A. Reynals, being duly sworn, says that he is a master mariner and resident and inhabitant of the island of Cuba, and a subject of the Queen of Spain, and master of the steamer named with foregoing claim; that the said steamer was, at and before the alleged capture, the sole and exclusive property of the claimants named in the foregoing claim & no other person or persons, and that said vessel has always since continued to be their property, and if discharged herein said claimants will be entitled to the possession thereof exclusive of all other person or persons; that said claimants are a Spanish corporation doing business at Havana, in the island of Cuba, and said vessel is Spanish property, and was seized while on her voyage from New York to Havana.

And deponent further says that the said vessel was built for account of the claimants, and by contract with them in New York City, & delivered to them (deponent being their agent) prior to the month of October last; that when finished deponent as master proceeded with
11 said vessel for Cuba, but in consequence of stress of weather had to put back to New York; that, being again ready for sea, said vessel started without cargo for Havana aforesaid, being intended to run as a ferry-boat in the harbor of Havana; that in consequence of stress of weather said vessel was driven on to and over Ocracoke bar, & remained on & inside the bar from necessity for about twenty-four hours, & again started on her intended voyage to Cuba aforesaid, but in consequence of continued bad weather & breaking of machinery it became necessary to send to Georgetown to obtain repairs, & a boat was sent ashore for that purpose; that while lying off said port she was seized by the Confederate troops & taken to Georgetown, and her captain, deponent, imprisoned until the Spanish consul procured his release; that as soon as possible repairs were made, the vessel started on her original voyage, & wanting coal proceeded to the Susquehanna, the U. S. steamer off Charleston, reported to her, and requested permission to go into Port Royal; that the flag-officer put some prisoners taken by the U. S. on board and requested the master to take them to Port
12 Royal, and gave him permission to go in there; that the vessel having taken the said prisoners proceeded to Port Royal and reported to the officer in charge, and delivered up the prisoners and was then supplied with coal; that after being supplied the quartermaster applied to deponent to sell the vessel, and offered a bonus to him to do so, and on deponent's refusing he was informed the vessel was seized as prize; that then the vessel was chartered by the United States (deponent having no option), and retained until the last of March, when, after having been badly damaged and injured by her use she was sent to New York as prize, the deponent having been compelled in the mean time to leave by reason of his sickness; that said vessel never violated, or attempted to violate, any blockade.

IGNATIO A. REYNALS.

Sworn to before me this 9th day of July, 1862.
O. R. STEELE,
*Notary Public, N. Y.*

12½ (Indorsed:) 3. 17, 187. In prize. U. S. dist. court. The steamer Ntra. Sr. de Regla, &c., ads. The United States. Claim & test oath. Beebe, Dean & Donohue for cl'm't. Filed 9th July, 1862. I. G.

13 District court of the United States for the southern district of New York.

Deposition of IGNATIO A. REYNALS (master), a witness produced, sworn, and examined in preparatorio, on the 26th day of May, in the year eighteen hundred and sixty-two, at the office of E. H. Owen, U. S. prize commissioner, New York, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, U. S. district attorney of said district, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in Florida; I live in Havana; I have lived forty-three years in Cuba, and I belong to the Spanish navy; I am married, and my wife and family reside in Cuba; I owe allegiance to the Queen of Spain.

2. To the 2nd interrogatory he says: I was present at the capture of the vessel.

14 3. To the 3rd interrogatory he says: The vessel was seized on the 29th November, 1861, in Port Royal; she was afterwards sent from Port Royal to this port; no reason or pretense was given for such seizure.

4. To the 4th interrogatory he says: The vessel sailed under the Spanish colors; she had no other colors aboard; she had some signals intended for the ferry upon which she was to run.

5. To the 5th interrogatory he says: No resistance was made; no guns were fired; the vessel was captured by a boat from Hilton Head, from the provost marshal; the boat which captured us did not belong to any vessel that I know of; it had on board six or eight soldiers, an officer, and corporal, and two carpenters, who, by orders of the provost marshal, opened some trunks and some of the linings of the cabin; these were soldiers from shore who came aboard; there were merchant vessels there; there were, some distance off, the Wabash and other vessels of war; there was a great number of vessels in the port.

6 To the 6th interrogatory he says: There was no vessel that aided or associated in capturing my vessel; the capture was made, as I suppose, by order of the provost marshal, or of the captain who commanded the file of men; I don't know by what authority they acted in
15 the matter; I never heard; the vessel has not yet been condemned to my knowledge.

7. To the 7th interrogatory he says: The name of the vessel captured was Nuestra Senora de Regla; she was a ferry-boat, over 300 tons burthen—a side-wheel boat, with one engine; the boat's compliment, all told, was 19, and all were on board except the sailing-master, a fireman, and two men who had quit the vessel at Port Royal; there were Spaniards & Americans; they all went aboard of the vessel in the port of New York about the 27th of October, 1861; they were shipped by my agent here—the house of Peter V. King, a commission merchant of this city.

9. To the 9th interrogatory he says: I belonged to the vessel's company; I was her master and commander; I had no interest in the boat, nor had any of the officers or crew any interest therein, to my knowledge or belief.

10. To the 10th interrogatory: I have known the boat ever since she was built; she was built in New York by Mr. John English; she was built last year; she was built under my superintendance; she carried no guns; she has always been called by the name above mentioned.

11. To the 11th interrogatory he says: The boat was bound to Havana, Cuba; that voyage began in New York, and was to have ended at Havana; she carried no cargo, only her supplies of coal & provisions.

12. To the 12th interrogatory he says: The vessel had no pa-
16 pers, except a regular clearance from the custom-house of New York and from the Spanish consul; this was the 2nd time the boat had left New York to go to Havana; the first time we left and got down as far as Barnegat Chops, where the sea lifted the decks, broke our guards, and did us damage so that we were compelled to put back; we accordingly put back to New York, and, having repaired the damages, started again somewhere about the 27th of October last; we coasted along and had fair weather until we had got to the southward of Cape Hatteras; and there, on the 30th of October last, we were boarded by an officer from a United States gunboat, who examined my papers, and endorsed that he had so examined the same, and we were permitted to proceed; on the same day, in the afternoon, the weather became threatening; we were in sight of Ocracock Inlet, and in the course of the night we were driven on shore; we lay on shore several hours, and we lightened the boat by throwing overboard coal; she finally got afloat, and then dropped anchors and waited for daylight; in the morning we found we were inside of Ocracock bar; I was then informed by the engineer that the crank and eccentric bar were broken, and other parts of the engine; seeing an island with some houses, I hoisted my flag half-mast, and between 7 & 8 o'clock we saw a small boat coming under sail to us; she came to us; I hailed them to come aboard, which they
17 did; there were three men in the boat; two of them were pilots; I asked them where we were, and they told us; they were astonished that we had got over the bar without going to pieces; I then engaged the pilot to take me out, and to Charleston, to the blockading vessels, where I could be assisted, which he consented to do, and on the same day at 12 o'clock we got under way, and proceeded towards the blockading vessels at Charleston.

The next day, before we got to Charleston, while coasting along the shore, we were taken by a heavy gale from the southeast, and, being unable to weather the storm, we concluded to beach the boat to save our lives. We then turned her and scud before the wind several hours and then slewed her around and dropped anchors. We were close on the beach. We anchored in five fathoms water. We then rode out the storm. The next day the wind came around off land and the sea calmed down. I sent a boat ashore to see where we were. It came back and reported that we were 14 miles to the northward of Georgetown Bar. We then got under way. The engineer said that the engine was in such condition that we must put into some port for repairs. We continued on, having the same pilot on board, who said we could go into Georgetown and repair. We proceeded to the bar at Georgetown and there came to anchor close in shore to the northward and outside of the bar. I let the pilot have a boat and three of my men to
18 go ashore. He was to bring a pilot to take us in over the bar. When the boat reached the shore I saw about 100 men with muskets, who took the men, and having hauled the boat high & dry on the beach, carried away the men. We lost sight of them. They never re

turned. We waited all that day for them. Night came on and we still kept lookout for them. The next morning we saw a steamboat coming out of the river towards the bar. She came out and alongside of us. He sung out to launch our boat and come on board with my papers and my engineer. I told him my small boat was gone, and then he sent his boat & I went aboard with my papers. The engineer went with me. He said he would take out all the Yankees. He told me to order the anchor weighed, "I am going to tow you; you are a prisoner." He took us in tow and carried us inside the bar, and put us to anchor under the guns of a battery. He directed me to have no communications with anybody. The next day I was taken on shore as a prisoner, with all my papers. They took me and the captain of the Osceola, which had been cast away, to Charleston, and presented us as prisoners to General Ripley. The Spanish consul got me clear. I noted my protest. The consul directed me to have the crank repa'red, which I did, and afterwards I put to sea. I started from where I was on the 20th of November last under a pilot. On going out we
19 found a United States vessel blockading the port. We continued inside, coasting along to the blockading vessels at Charleston. We went alongside of the Susquehanna, and I went aboard of her in her boat, took with me all my papers, including those given to me by the consul. The papers were examined, and I stated all that had occurred. He permitted us to anchor there near by for the night.

We anchored there, and at daylight the next day we got under way, when we saw a vessel right ahead, which came towards us and launched a boat, and came alongside and directed us to stop. I was then asked if I would take aboard seven prisoners and carry them to Port Royal, where I was bound for supply of coals. I told them I would. They then brought seven prisoners and put them aboard and gave me a letter to Commander Dupont. We proceeded to Port Royal, went in and anchored alongside of the Wabash. I took my papers and went and presented myself to Commander Dupont. He examined my papers. I stated my misfortunes and that I was in need of assistance. He told me to make a list of everything I needed & he would assist me so that I could proceed. I made a list and he assisted me by furnishing coal. I told him I had a letter and seven prisoners, which I delivered. This was on the 26th or the 27th November. I commenced to take coal, and on the 28th took coal & stores. On the 29th the weather-log had
20 commenced to drag. We were then taken by a government boat down to Hilton Head, close to the beach. The next thing was the vessel was captured. While we lay there the quartermaster of the U. S. forces came and wanted to purchase the vessel. I refused to sell, as I had no authority, and the next day we were seized. The vessel was detained, and about the 11th December they wanted to charter the boat, and I signed a charter party, which I now produce, and it is marked E. H. O. They agreed with the engineers and fitted her with rations, and went around in a river near Tigbee Island, carried munitions of war. They kept her in use under the charter 32 & 33 days, and then the Navy Department took charge of her and counted her in its service. Afterwards she was sent here to New York.

13. To the 13th interrogatory he says: The vessel had no cargo.

14. To the 14th interrogatory he says: The vessel was owned by a ferry and railroad company of the Havana Harbor. I know this, because I have been 7 or 8 years in the service of that company. The proprietors of the company live in Havana.

15. To the 15th interrogatory he says: There has been no bill of sale of the vessel to my knowledge or belief.

16. To the 16th interrogatory he says: I have already answered this question by stating that there was no cargo or lading on board.

21 17. To the 17th interrogatory he says: There were no bills of lading.

18. To the 18th interrogatory he says: I have not in my pos'session and there were not on board any papers of the kind or description enquired of.

19. To the 19th interrogatory he says: I have stated that the vessel was captured at Port Royal, a short distance to the southward of Charleston.

20. To the 20th interrogatory he says: At the time the boat left New York she had on board several letters addressed to parties in Havana; I also had my own accounts of expenses here. At Port Royal the carpenter who came aboard with the provost marshal, as before stated, opened the lining under one of the seats in the cabin, and there they found a package of letters and some newspapers from Charleston. I don't know how many letters, a dozen or more; I don't know to whom they were addressed. They must have been put aboard at Charleston by the consul's clerk. I don't know how the letters came to be in that place. I did not put them there, nor did I order them put there. I did not know they were there until they were taken out. I don't know how the provost marshal found out they were there. There were no papers burnt, torn, thrown over, destroyed or cancelled or attempted to be concealed. I don't know the contents of the letters and papers found, as before stated. I don't know that there were any other letters on board.

22 21. To the 21st interrogatory he says: I knew before I left New York that all the ports at which I touched, as before stated, were blockaded by the United States forces.

22. To the 22nd interrogatory he says: The port of Charleston and Beaufort were under blockade at the time. All the coast was blockaded.

23. To the 23rd interrogatory he says: The register of the vessel was examined, as I have before stated.

24. To the 24th interrogatory he says: The vessel never attempted to enter or depart from any blockaded port, except in so far as I have before stated.

25. To the 25th interrogatory he says: The vessel has never been seized before.

26. To the 26th interrogatory he says: I have not sustained any loss, except some furniture and pictures which were mine, worth in all thirty or thirty odd dollars.

27. To the 27th interrogatory he says: The vessel was insured at New York from here to Havana. I don't know what premium was paid.

28. To the 28th interrogatory he says: The vessel had no cargo.

29. To the 29th interrogatory he says: There was no cargo on board.

30. To the 30th interrogatory he says: I have already said she had no cargo.

31. To the 31st interrogatory he says: I suppose there are in
23 Havana letters, papers & documents relating to the vessel which were sent through the mail by Mr. Peter V. King of this city. I don't know what they are.

32. To the 32nd interrogatory he says: There were some papers delivered out and carried away from the vessel. All the letters and

papers were in my trunks and in a little bag where I had the papers and documents for the Captain General of Havana from the counsul general at Charleston. They were taken by the provost marshal, and I have since heard they were sent to Washington. I have not seen them since they were taken.

33. To the 33rd interrogatory he says: There was no bulk to break.

34. To the 34th interrogatory he says: I had two passengers aboard when I left New York the last time. One name was José Martinez and the other A. Gonzalez. They were Spaniards, one of Havana and the other of Spain. They had no interest in the vessel. They partly worked their passage. At Charleston a passenger was put on board by the Spanish consul. He was the consul's clerk. His name was Amelie Puig. The consul told me the person wanted to go to Havana, & he ordered me to take him. He had a trunk and a small valise. He did not say that the clerk was carrying despatches or papers. This passenger was not an officer. He lived in Barcelona, Spain. I left Charleston in company with the consul and his clerk, the passenger last mentioned. Other than these there was no persons on board of the vessel but
24 the officers and crew before mentioned.

35. To the 35th interrogatory he says: I don't know anything about the letters and papers which were found on board, whether they were true or false, except those papers belonging to the vessel, which I believe were true. I do not know of anything to affect the credibility of any of the papers which were found on board. I cannot answer this question further.

36. To the 36th interrogatory he says: I have already fully answered this interrogatory.

37. To the 37th interrogatory he says: I don't know that the vessel has ever been sold. No money could buy the vessel as she is so much needed in Havana. If restored I believe the vessel will belong to the railroad and ferry company before referred to which runs between Havana and Matanzas. I don't know the name of the company so as to give it at present.

38. To the 38th interrogatory he says: She had no guns of any description; nothing on board of the kind or character inquired of in this interrogatory.

39. To the 39th interrogatory he says: I have stated all I know or believe concerning the true property and destination of the vessel and cargo.

40. To the 40th interrogatory he says: The vessel never sailed under convoy.

41. To the 41st interrogatory he says: The vessel never, as before stated, attempted to enter or sail from any port under blockade.

25 42. To the 42nd interrogatory he says: The vessel had no license or authority to act as privateer.

45. To the 43rd interrogatory he says: The vessel never sailed in company with any vessel having any such authority as is enquired of.

IGNACIE A. REYNALS.

(Formal verification.)

*Paper marked E. H. D. and referred to in the deposition of Capt. Reynals.*

(Copy.)

Articles of agreement made this day of December, 1861, between captain of the steam ferry-boat Nuestra Senora de Regla, for and on be-

half of the owners of the said ferry-boat, of the first part, and Captain Rufus Saxton, an assistant quartermaster in the United States Army, for and on behalf of the United States of America, of the second part, witnesseth:

That the said party of the first part, for and in consideration of the payment hereinafter promised, to be well and truly made by the said party of the second part, hath chartered to the United States the steam ferry-boat Nuestra Senora de Regla, with all her tackle, apparel, furniture, & machinery, to be used for transporting troops, stores or other things as the said party of the second part may direct.

26 And the said party of the second part doth agree, for and in consideration of the faithful performance of the above duty, that the said party of the first part shall receive the sum of two hundred dollars for each and every day the said boat may be kept in service. Said steam ferry-boat to be kept staunch, sound, and strong, and her machinery in good running order and condition, by the said party of the first part.

It is understood by the parties to this agreement that in case the said steam ferry-boat shall be confiscated to the United States, then this contract shall be void; otherwise to remain in full force and virtue.

It is furthermore understood by the parties of this agreement, that the said steam ferry-boat is not to be run outside of the bar of Port Royal, but at any and all points on the rivers & creeks that connect with Broad River.

This contract to commence on the 16th day of December, 1861, and continue in force ten days, after which either party has a right to cancel the same.

In witness whereof the undersigned have hereunto affixed their hands and seals at Hilton Head, S. C., the day and date first above written.

IGNACIO A. REYNALS. [L. S.]
R. SAXTON, [L. S.]
*Captain, U. S. Army, Chief Quartermaster, E. C.*

Witnesses:
JOHN W. GREEN.
THOMAS TANNATT.
JNO. H. MOORE.

27 District court of the United States, for the southern district of New York.

Deposition of JOHN S. SIMMONS (mate), a witness produced, sworn and examined in preparatorio on the 26th day of May, in the year eighteen hundred and sixty-two, at the office of E. H. Owen, U. S. prize commissioner, at No. 72 Wall street, New York City, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, U. S. district attorney for the said district, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in 1823, in Kingston, Ulster County, N. Y. State. I now live in New York City with my wife and family, and have made it my home for the last five years. I am a citizen of the United States and owe allegiance to that government.

2. To the 2nd interrogatory he says: I was present at the capture of the vessel in regard to which I am now examined.

28 3. To the 3rd interrogatory he says: The seizure was made in the harbor of Port Royal, South Carolina, on Sunday about the 1st of December. I have forgotten the exact date. A squad of U. S. troops under the provost marshal, acting by command of General Sherman, came on board at that time and took possession. The chief quartermaster of the Federal Army came on board and chartered the vessel for government purposes, and she was thus employed in Port Royal Harbor until the 19th of January. At the last mentioned date we were turned over to the Navy to Commodore Dupont. We remained working under his orders until Feb'y 15th, 1862, when, by the permission of the commadore, the entire crew, with the exception of the first & second engineer came home to New York. The vessel remained there until about the 24th or 25th of April, when a prize crew was put on board, and she was sent into the port of New York. When we went into Port Royal Harbor on the 26th or 27th of November, the quartermaster of the U. S. forces at that place came on board and tried to purchase the vessel from our captain, offering $50,000, and saying he must have her. The captain would not sell her, so after receiving some coal and provisions from the commodore, and after being fitted for sea, she was seized, as above stated. She had no commission authorizing her to make prizes. We were captured because they wanted to use the vessel, I suppose, and because we had been into Georgetown,
29 S. C., which was under an order of blockade, and because it was reported that we had Confederate letters aboard.

4. To the 4th interrogatory he says: The vessel sailed under the Spanish flag; there were no other colors on board, not even a private signal.

5. To the 5th interrogatory he says: We made no resistance to the capture. No guns were fired. We were captured by a squad of soldiers as above mentioned. All the vessels belonging to the Port Royal expedition were lying in the harbor, in sight at the time. The captured vessel was new, and was built expressly as a ferry boat for the purpose of running between Havana and Reglas in the island of Cuba. She was owned by a Spanish ferry company at Havana, Fesser & Co.

6. To the 6th interrogatory he says: The soldiers who seized us were acting under the authority of the provost marshal, and he was acting under the command of General Sherman. This is the only commission that they had to my knowledge to act in our capture. The vessel has not been condemned to my knowledge.

7. To the 7th interrogatory he says: The vessel was called the Nuestra Senora de Regla; the name of the captain was Ignatio A. Reynals. He was appointed to the command by Fisser & Co., above named, in Havana. He came on here and the boat was built under his su-
30 pervision; I have known him for about a year and the vessel ever since May, 1861. He took possession in this port. P. V. King & Co. delivered possession to him. The captain lives in Regla with his wife and family. I have heard him say he has lived there for more than 40 years. He was born in Florida. He is a Spanish subject, having been naturalized in Cuba.

8. To the 8th interrogatory he says: The vessel is of between three hundred and fifty and four hundred tons burthen. Her company consisted of eighteen men, officers and crew, all told. There were besides three passengers; all were on board at the time of capture. Ten of the crew were U. S. citizens; the remainder were Spaniards. They all came on board at New York on the 7th of October, 1861, and were hired by the captain.

9. To the 9th interrogatory he says: I was a sailor before the mast at the time of capture. The mate had deserted the vessel December 1st, 1861, before the seizure, & I was appointed to fill his place by the captain of our vessel, and the U. S. Government hired me as such. Nobody on board (myself included) had any interest in the vessel. She had no cargo whatever.

10. To the 10th interrogatory he says: I saw the vessel in April, 1861, a little while after she was launched in the harbour of New York. She carried no guns. Eighteen men, including the three passengers,
31 were on board at the capture. Three of the vessel's company were ashore at the time. I misunderstoon the former interrogatory where I answered that the entire crew were all on board at that time. I understood it to refer to the time when we left New York at the beginning of the voyage. I do not remember that more men were ashore at the capture. I was also ashore and the captain when the provost marshal first came aboard, but we went on the vessel before he left. She was built in New York city. She has always been called the Nuestra Senora de Regla.

11. To the 11th interrogatory he says: The voyage on which the vessel was captured began at New York on the 11th of October. We proceeded on our voyage until we got down to Barnegat, N. J., when, in consequence of a severe storm, we were obliged to return to New York, arriving here on the 12th. We made some repairs and started again on the 27th of the same month. We got as far as Hatteras, where we were boarded by the U. S. boat Underwriter, which gave us a paper saying we were all right, and we then proceeded to Ocracoke, where we met a gale and were thrown ashore inside of Ocracoke bar. We laid there 8 hours, when we got off and came to anchor at the mouth of Portsmouth mouth harbour. We did not go into that harbour. At the time we were lying on the bar we broke our eccentric & inter-
32 mediate arm and burst some steam pipes. We took a pilot at that place & the captain told him he would get permission from the blockading fleet at Charleston to put him ashore at that place. We started to renew our voyage, and on our second day out we met another heavy gale from the southeast, which was so violent that the sailing master proposed at first to run the boat ashore in order to save the lives of the men. We laid at anchor and weathered the storm, and the next day we anchored off Georgetown, S. C. I went ashore with the pilot to see if I could get the use of a forge to mend our machinery, as the engineer thought he could get along if he could get the machinery mended. The Confederates took us prisoners and kept us till the next day when they sent a vessel to tow our vessel in. They kept us there 23 days. They took the captain to Charleston as a prisoner, but he returned with the Spanish consul who cleared us from Georgetown. We proceeded to sea and went directly to the blockading fleet at Charleston. They gave us permission to go into Port Royal for coal & provisions, and put on board 7 prisoners to be given up to Commodore Dupont at that port. We took them and went into that place. We obtained assistance from Commodore Dupont. When
33 ready for sea, we were seized by the provost marshal, as above stated. We had no cargo whatever on board during the voyage.

12. To the 12th interrogatory he says: We had no passport *at* sea-brief on board to my knowledge. The voyage which I have just described is the only one the vessel ever made. New York was the last clearing port before capture except the clearance from Georgetown.

13. To the 13th interrogatory he says: We had on board no cargo whatever at any time during the voyage.

14. To the 14th interrogatory he says: Fesser & Co., of Regla, were the owners of the vessel. The captain has told me so. I suppose they were born in Cuba. I do not know. They live in Cuba with their wives and families. They are Spanish subjects.

15. To the 15th interrogatory he says: I have no knowledge, information, or belief as to the matters herein enquired of.

16. To the 16th interrogatory he says: I have already answered that there was no cargo on board.

17. To the 17th interrogatory he says: There was no cargo on board. No bills of lading were signed for any cargo.

18. To the 18th interrogatory he says: I had no interest in the vessel. I had not in my possession any papers showing the interest of any person in the vessel, nor were there on board any papers, to my knowledge, showing the interest of any person.

19. To the 19th interrogatory he says: I cannot remember
34 the degrees of latitude and longitude of the capture. It was about three o'clock on a Sunday afternoon, about the 1st of December, 1861, in Port Royal Harbor. There was no charter-party for the voyage.

20. To the 20th interrogatory he says: When we left New York we had no papers on board but the shipping articles to my knowledge. At Georgetown the Spanish consul put on board some papers that he said were despatched for Havana, nothing else. No papers were burnt, torn, thrown overboard, destroyed, or cancelled, or attempted to be concealed to my knowledge, information, or belief.

21. To the 21st interrogatory he says: At the time of capture Port Royal was open. I had been captured by the U. S. forces while we were lying in Georgetown.

22. To the 22nd interrogatory he says: Port Royal was not under an order of blockade at the time of our entering the same. No notice of any blockade had been endorsed upon any of our ship's papers, to my knowledge, information, or belief.

23. To the 23rd interrogatory he says: Our register was shown to and examined by a U. S. naval officer at Hatteras, as before mentioned. I do not know his name. He said we were all right
35 and gave us a paper to that effect. At Charleston the register was examined by the commanding officer of the Susquehanna. He examined the paper that had been given us at Hatteras & allowed us to go on, telling us we could get into Port Royal, and obtain the supplies we wanted. These are the only times our register was ever examined by any U. S. naval or revenue officer before capture. None of them endorsed any notice of the blockade on our register to my knowledge.

24. To the 24th interrogatory he says: I do not believe that the captured vessel ever attempted to run any blockade whatever.

25. To the 25th interrogatory he says: The vessel has never before been seized as prize.

26. To the 26th interrogatory he says: I have lost my time for six or seven months, which I value at $100 per month. I have sustained no other loss. I have been told by the captain that we shall be paid our wages.

27. To the 27th interrogatory he says: The vessel was insured for this voyage to Havana for $40,000. I do not know by what persons or in what company. I have heard, but have forgotten. It was insured in this city. The captain told me that the insurance cost $4,000.

36 28. To the 28th interrogatory he says: There was no cargo whatever on board.

29. To the 29th interrogatory he says: There was no cargo on board.

30. To the 30th interrogatory he says: I answer this as I did the 28th & 29th interrogatories.

31. To the 31st interrogatory he says: All the papers relating to the vessel, except the shipping articles, that I have any knowledge of were sent by mail to Havana before the vessel herself sailed. I suppose they reached their destination. All the papers found on the vessel were given up to the U. S. authorities at Port Royal and are now, I suppose, in the possession of the U. S. Government.

32. To the 32nd interrogatory he says: The only papers taken away from the vessel were taken by the provost marshal at the time of capture. I have understood that they are at Washington.

33. To the 33d interrogatory he says: No bulk was broken. We had no cargo.

34. To the 34th interrogatory he says: Two passengers, Spaniards, bound for Havana on private business, I do not know what, came on board at New York. I have forgotten the name of one of them; the other was José Martinez. That had no commission that I know of. At Georgetown the Spanish consul put a young man on board for Havana.

His name, I think, was Amelie Ponch. I think he was a bearer
37 of dispatches. He had no commission that I know of. He was formerly the consul's clerk. None of the passengers had any authority or property in the vessel. No person on board was secreted or confined. No person was a citizen or resident of any of the rebellious States, except the fireman, who had been residing at New Orleans. He ran away at Port Royal.

35. To the 35th interrogatory he says: All the passengers had passports from the Spanish consul permitting them to enter Havana. I have not written or signed any papers relating to the vessel except some private letters to my family, a letter to Commodore Dupont in relation to my coming home to New York, and one to General Sherman. I have forgotten its purport. I am unable to answer this interrogatory.

36. To the 36th interrogatory he says: We were at anchor at Port Royal Harbor when captured. I have already answered as to our general course during the voyage.

37. To the 37th interrogatory he says: The vessel was built expressly for her present owners, and has never been sold. I think if she shall be restored she will belong to Eesser & Co., above mentioned.

38. To the 38th interrogatory he says: No guns were mounted on the vessel, and none of the articles herein enumerated were on board.

39. To the 39th interrogatory he says: I have already answered
38 this interrogatory as fully as I am able.

40. To the 40th interrogatory he says: The vessel never sailed under convoy.

41. To the 41st interrogatory he says: I have already answered as fully as I am able in regard to the vessel's sailing to or attempting to enter any blockaded port.

42. To the 42nd interrogatory he says: The vessel enquired about never sailed with any commission to make prizes.

43. To the 43rd interrogatory he says: The vessel never sailed or acted in company or concert with any vessel engaged in making prizes.

JOHN S. SIMMONS.

(Formal verification.)

39 District court of the United States for the southern district of New York.

Deposition of JOHN J. HAWKINS, engineer, a witness produced, sworn, and examined in preparatorio, on the 15th day of May, in the year eighteen hundred and sixty-two, at the office of the U. S. prize commissioners, 39 Chambers st., on the standing interrogatories established by the district court of the United States for the southern district of New York, the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. district attorney, in behalf of the captors of a certain ship or vessel called the Our Lady of Reglas, and in Spanish, Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in the city of New York and I now live there. It has been my home nearly all my life. I am subject of the United States and owe allegiance to that government. I am married; my family reside in New York.

2. To the 2nd interrogatory he says: I was not present at the capture. I was second engineer, attached to her, but left and went on
40 shore at Port Royal to give information that there were papers on board the vessel which I had heard the captain say he would throw overboard and sink them with a chunk of coal in case we were boarded by the blockading squadron.

3. To the 3d interrogatory he says: The seizure was made, I think, on the 1st day of December last, at Hilton Head, Port Royal Harbour. The vessel was left there four months or more. I left her there on the 1st of April last. I know of no commission authorizing her to make prizes. I think she was seized because she had on board secesh papers or despatches, but I do not know positively.

4. To the 4th interrogatory he says: She sailed under Spanish colors. I know of no other flag.

5. To the 5th interrogatory he says: I do not know that any resistance was made nor any guns fired; the capture was made at Port Royal or Hilton Head by Captain Saxton, United States quartermaster. I suppose there were a hundred ships in sight of all sizes in the harbor, when and where she was captured. The captured vessel was built for a ferry-boat.

6. To the 6th interrogatory he says: I do not know any anything in reply to this question.

7. To the 7th interrogatory he says: The name of the captured
41 vessel is the Nuestra Senora de Regla; her captain's name is Reynolds. I believe he was the agent of the owners, and had her built, and went from here in her as captain. I have known her since last August. I first saw her in New York. I think the captain lives in Havana, and his family. I think he has lived there a number of years. I have heard him say he was born in St. Augustine, Florida. He calls himself a Spanish subject.

8. To the 8th interrogatory he says: I think her burthen was about 400 tons. Her company, all told, was twenty-two or twenty-three—twenty or twenty-one of them, I think, were on board when taken—myself and another were on shore. I think eleven were Americans and eleven were Spaniards. All came on board here at the same time except one, who came on board at Georgetown, S. Carolina. All came on board the 7th of October, or thereabouts, except the last, who came on board some time in November last. All were hired by the captain or by his orders.

9. To the 9th interrogatory he says: I did belong to the vessel's company, as 2nd engineer. I had no interest in the vessel or cargo. I do not think the captain or any of the crew had any interest.

10. To the 10th interrogatory he says: I have known the vessel since last August. I first saw her then in New York. She carried no guns. Twenty men were on board when captured, I suppose. She was built in New York. Her name, the Nuestra Sonora de Regla. She
42 never had any other name that I know of.

11. To the 11th interrogatory he says: She was bound from New York to Havana. The voyage began in New York. She had no cargo. I do not know that she ever carried any goods contraband of war.

12. To the 12th interrogatory he says: She had a regular clearance from New York. I believe we stopped first off Hatteras Inlet, and were boarded there and her papers examined by the naval squadron. We grounded after that on Ocracok' Shoals, where we were detained two days. From there we took a pilot, and were bound from there to Georgetown or Charleston, S. Carolina. We arrived off the bar of Georgetown during the heavy gale which nearly destroyed the Port Royal fleet. The pilot said it was not possible to take her over the bar into Georgetown Harbor in that gale. After a consultation on board between the captain, sailing master, and chief engineer, they agreed to run her ashore on the beach. The pilot was in favor of that and I opposed it in every shape. I was not willing to trust myself in South Carolina. I preferred taking the risk of the ocean. We rode the storm out at anchor near the beach. The next morning we got under way and run down the coast about ten miles, where we anchored off North Island, on the north side of Windham Bay, Georgetown Harbor. At this place the Ocracoke pilot and three of the crew went ashore, under the
43 captain's orders, to find another pilot to take us into Georgetown. They were kept prisoners, and the next morning two steamers came out of Georgetown Harbor, came alongside, hailed us, and sent for the captain. The captain answered the hail that he was in distress and wanted to go into port to make repairs. They took the captain and chief engineer on board, took us in tow and carried us over the bar into the harbor. I was ordered by the captain and chief engineer to get up steam and get her under way and follow the tow. We went in over the bar and anchored in the harbor. We were not disabled or in distress at all. We had broken one portion of her backing gearing, but this was not material. We were in good condition to go anywhere, but we repaired this break on board ourselves. The captain afterwards took the piece we had repaired and carried it to Charleston—I suppose as an excuse for going there. He was gone two days the first time. He returned to the vessel and went again to Charleston, where he was gone 8 or 10 days when he returned. He brought with him the Spanish consul and a young man, apparently the consul's clerk. We lay in the harbor 21 days, off the Confederate fort. We were boarded by a Confederate officer from the fort and all the Americans were questioned about where they were bound and where they lived. The captain showed the crew list. After this the captain went to Charleston.
44 After the captain left we were boarded by another Confederate officer, who told me that the captain had ordered that the engine should be completely disabled and all the boats taken away, so that we could neither get away with the boat nor go away in the small boats, and all this was done by this officer. I helped, under his orders, to disconnect the parts of the engine which he specified. After the Span-

ish consul came on board, and after the captain's return from Charleston the second time, the captain was anxious to get away. The Confederate major in command of the fort told the captain we had better wait as there were now blockading vessels off the port, and that we would be taken if we went out. The captain said he might as well go as he had got to "face the music" some time, or that he would have to meet the blockaders some time, or language like this. The captain asked the Confederates to pilot us out, which they did after several days' delay. We anchored outside. The next morning we got up steam and ran down to Charleston and came off that harbor under the stern of the U. S. ship Susquehanna. The captain got an order to go to Port Royal and get supplies, coal, &c. We laid there four or five days, and were supplied with all we wanted. I knew, or thought I knew, that she had papers on board, or letters, from the Confederates and that it would do our government a service to get them. I went on shore and re-
45 ported what I knew, or thought I knew, to Captain Saxton's (U. S. quartermaster) cook, and he immediately reported to Captain Saxton that I had heard our captain say that he had papers which he would sink before he would let our people get hold of them. The vessel was seized the next morning by Captain Saxton, to whom I afterwards gave the same statement which I have now made.

13. To the 13th interrogatory he says: She had no cargo on board.

14. To the 14th interrogatory he says: I don't know who owned her, but I believe she was owned by a ferry company at Havana.

15. To the 15th interrogatory he says: I do not know anything about any bill of lading.

16. To the 16th interrogatory he says: I do not know anything about any lading at any time.

17. To the 17th interrogatory he says: I know nothing about any bills of lading.

18. To the 18th interrogatory he says: I do not know anything about any letters, or any kind of papers belonging to the vessel.

19. To the 19th interrogatory he says: I know nothing about the latitude or longitude of capture. I have told where we were taken.

20. To the 20th interrogatory he says: I don't know that any papers were destroyed at any time.

46 21. To the 21st interrogatory he says: We all knew that the Southern ports were blockaded. The captain knew it, but said with a neutral flag he would dare to go anywheres. He said this repeatedly.

22. To the 22nd interrogatory he says: We knew the ports were blockaded by the U. S. Government.

23. To the 23rd interrogatory he says: I know nothing about the vessel's papers.

24. To the 24th interrogatory he says: I do not know that we ever entered or left port "secretly or covertly." I have told all I know about this.

25. To the 25th interrogatory he says: I do not know that she was ever seized as prize before.

26. To the 26th interrogatory he says: I have sustained no loss by the seizure. There are wages due me.

27. To the 27th interrogatory he says: I understood the vessel was insured for all she cost; I know nothing further about insurance.

28. To the 28th interrogatory he says: I know nothing in reply to this question.

29. To the 29th interrogatory he says: She had no cargo.

30. To the 30th interrogatory he says: She had no cargo.

31. To the 31st interrogatory he says: I know nothing about any of these papers.

32. To the 32nd interrogatory he says: I do not know that any papers were taken out of the vessel.

33. To the 33rd interrogatory he says: There was no cargo.

34. To the 34th interrogatory he says: There were no passen-
47 gers that I know of; I thought a part of the crew were working their passages. There were no other persons on board except the 22 persons already described.

35. To the 35th interrogatory he says: I know nothing about any of the vessel's papers.

36. To the 36th interrogatory he says: We were lying at anchor at Hilton's Head, when taken.

37. To the 37th interrogatory he says: I know nothing of any sale of the vessel at any time.

38. To the 38th interrogatory he says: There were no guns on board, nor any cargo of any kind, that I know of.

39. To the 39th interrogatory he says: I have already told all I know about the "real and true property and destination" of the vessel.

40. To the 40th interrogatory he says: We never sailed under the convoy of any vessel of war to my knowledge.

41. To the 41st interrogatory he says: She never attempted to enter any port under blockade except as I have already described.

42. To the 42nd interrogatory he says: She never carried a commission or license as privateer to my knowledge.

43. To the 43rd interrogatory he says: She never sailed or acted in company with armed vessel to my knowledge.

On reading testimony to deponent, he desires to add to the
48 8th interrogatory, that when he sailed from New York, the crew list showed 22 names or perhaps 23, but one of the number, a young Spaniard, was left behind by some mismanagement, and when we arrived at Georgetown, a young man who came on board with the Spanish consul, and appeared to be the consul's clerk, and did all the reading and writing of papers for the consul, was put on board by the consul to take the place on the crew list of the young man left behind in New York; the consul said in the presence of all hands, "this young man can pass for and take the name of this young man who is absent and nobody need know the difference." He was put in place of the absent young man, who was a coal-passer, and was to represent him and take his place; but he did no work, and lived in the cabin and messed with the captain. I have heard his name, but do not recollect any of the Spanish names. He lived like a gentleman in the cabin.

JOHN J. HAWKINS.

Subscribed and sworn to this 15th day of May, 1862, before me,

HENRY H. ELLIOT,
*U. S. Prize Com'r.*

(Formal verification.)

49 District court of the United States for the southern district of New York.

Deposition of THOMAS TAWNATT, 1st assistant engineer, a witness produced, sworn, and examined in preparatorio on the 26th day of May, in the year eighteen hundred and sixty-two, at the office of E. H. Owen, U. S. prize commissioner, No. 72 Wall st., New York, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, U. S. district attorney, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in Springfield, Mass., and now live in Elmira, New York, with my wife for about six years past. I am a citizen of the United States of America, and owe allegiance to that power.

2. To the 2nd interrogatory he says: I was present at the capture or taking of the said vessel.

3. To the 3rd interrogatory he says: The capture was made in the early part of December, 1861. I forget the exact day. We were
50 off Hilton Head, in Port Royal Harbor, a short distance from the shore. After the capture we were detained there some time, but the vessel was finally brought into the port of New York. She had no commission to make prizes. The only reason I heard given for the seizure was that there were letters on board directed to parties in Havana, and written by the citizens of the Southern States.

4. To the 4th interrogatory he says: The vessel sailed under Spanish colors. She had no other colors on board to my knowledge or belief. I never saw any others.

5. To the 5th interrogatory he says: No resistance was made at the time of capture, and no guns were fired. The capture was made by Major Beard, the provost marshal of Hilton Head, who came on board with a company of soldiers. Subsequently, and on the 20th January, 1862, the soldiers delivered up possession of the vessel to an officer from the U. S. flag-ship Wabash, who came on board and took possession with a prize crew from that vessel. There were a large number of vessels in port at the time of our capture, but I am unable to state their names. Our vessel was a ferry-boat, and so far as I know, she belongs to the Guanaguafior Railroad Company of Cuba. The Wabash was a ship of war. I don't know her force.

51 6. To the 6th interrogatory he says: There was no capturing vessel, as I have already stated. Possession of our vessel was delivered to the Wabash, but I don't think any of the other vessels in port had any interest in our capture. She has never been condemned to my knowledge.

7. To the 7th interrogatory he says: The name of our vessel was the Nuestra Senora de Regla, and her master's name was Ignacio A. Reynals. I think he was appointed to the command of the vessel by the Spanish consul at New York. I have known the master and the vessel since the early part of October, 1861. The master took possession of her at New York, but I don't know when or who by name delivered the same to him. The master lives in Regla, in Cuba, with his wife, but I don't know how long he has lived there. I think he was born in Augusta, Florida. He is a subject of the Queen of Spain.

8. To the 8th interrogatory he says: I don't know the tonnage of the

said vessel. The number of the vessel's company belonging to her at the time of capture was sixteen or seventeen, all told, officers and crew, and the number actually on board at the time was five or six. The majority of the vessel's company were Spanish subjects, and they all came on board in the fall of 1861, and in or about the
52 month of October, at New York, except one, who came on board at Georgetown entrance, South Carolina, in the early part of November, 1861. I don't know who shipped or hired the crew.

9. To the 9th interrogatory he says: I belonged to the vessel so captured at the time of her seizure, and was the first assistant engineer. On the passage out from New York to Port Royal I assisted the engineer generally, and thus intended to pay for my passage. I did not consider myself as one of the vessel's company. At Port Royal I was made first assistant engineer, and was to receive wages therefor. I had no interest in the vessel, and no one on board had any interest therein to my knowledge or belief. She carried no cargo. This was her first voyage.

10. To the 10th interrogatory he says: I first saw the vessel in New York in or about October, 1861, and have known her since that time. She carried no guns. I have already stated that there were five or six men on board at the time of seizure. She was built in New York, and I have never heard her called by any other name than her present name.

11. To the 11th interrogatory he says: The only place to which the vessel was bound on the voyage wherein she was seized was Havana, Cuba. The voyage began at New York, and was to have ended at Havana. The vessel was intended for a ferry boat to run
53 between Havana and Regla aforesaid. She carried no cargo whatever.

12. To the 12th interrogatory he says: The vessel had no passport or sea-brief on board to my knowledge. The voyage began at New York on or about the 26th of October, 1861. On the second night out the vessel struck on the bar of Ocracoke Inlet off the coast of North Carolina, and we lay there for five or six hours. We then got over the bar to a safe anchorage in the inlet. While we were on the bar our machinery became disabled. We broke the intermediate arm of the eccentric rods, and generally strained the engine. These were the only injuries. We were forced on the bar during the severe gale. We remained at anchor in the inlet during the remainder of the night and until the day after, when, having temporarily repa'red the m'chinery, we started direct for Georgetown entrance, South Carolina, in order to have repairs made. That was the nearest port, I think, where we could get repairs done. We went to that port because the pilots at Ocracoke Inlet informed us that that was the best place to have repairs done. We procured a pilot at Ocracoke to take us to Georgetown aforesaid. The only intercourse we had with the land at Ocracoke was with
54 some pilots at that place and fishermen. The night after we left Ocracoke we had a severe gale which compelled us to go near shore and anchor, which we did, and remained there until the next day. We then again started, and on the evening of the day we dropped anchor off the light-house of Georgetown entrance. We sent a boat ashore for a pilot. In the morning a small steamer came out and towed us inside the entrance, and anchored us about twelve miles from Georgetown. We remained there twenty-one days. While there we had a new intermediate arm forged and brought from Charleston, S. C. We also gave the machinery a general overhauling, repairing pipes, setting

up nuts, repairing connecting rod and tightening piston. We did not work steady all the time. Some days twelve hours; some days less. We were at work about seven days in all. No communication was allowed with the land. The master and two seamen were the only ones who went ashore. The master went ashore twice. He went to Charleston, S. C. I don't know how long he stayed there. I think he was gone about five or six days. I think he went right away to Charleston. The commanding officers of the fort at Georgetown entrance came on board several times. The Spanish consul from Charleston came on board. We took on
55 board some potatoes, some fresh meat. I think there was only a few bushels of potatoes. No papers or letter writings were received on board at Georgetown to my knowledge, though I believe some papers or writings were found at Port Royal, which were probably taken on board at Georgetown. The machinery was received from Charleston about three or four days before we left. From Georgetown we went direct to Port Royal. On the second day out we spoke the Susquehanna, and received an order to go into Port Royal for coal and provisions. We arrived there on the fourth day, I think. There we took in coal and provisions, and were just ready to proceed on our voyage when we were seized, as I have stated. I think her last clearing-port was New York.

13. To the 13th interrogatory he says: I have stated that there was no cargo taken on board.

14. To the 14th interrogatory he says: I believe the vessel was owned by the Guanaguafior Railroad Co. of Havana, aforesaid, for the purpose of plying between Havana and Regla aforesaid. I learned this from conversation with the master while on board the vessel. They are a Spanish corporation.

15. To the 15th interrogatory he says: I have no knowledge or any information concerning any of the matters herein enquired of.

56 16. To the 16th interrogatory he says: I have said that there was no cargo on board.

17. To the 17th interrogatory he says: No cargo was on board our vessel.

18. To the 18th interrogatory he says: I have not in my possession any papers showing my interest, or the interest of any person, in the vessel. I don't know what papers were on board our vessel. I never say any papers.

19. To the 19th interrogatory he says: I don't know the degrees of latitude and longitude in which we were taken. We were captured at our anchorage in the harbor of Port Royal in the early part of December, 1861, in the forenoon of that day. Port Royal is a port in the State of South Carolina. No charter-party was made for the voyage on which we were taken.

20. To the 20th interrogatory he says: I don't know what papers or writings were on board when we left New York. No papers of any description were burnt, torn, thrown overboard, destroyed, or canceled by any person to my knowledge or belief.

21. To the 21st interrogatory he says: I knew that the ports of the Southern States, including South Carolina, were in a State of war
57 with the United States, and that the naval forces of the *the* United States held such ports in a state of blockade. I first knew, in the city of New York, in September, 1861, of the blockade. I knew of the war, in Cuba, in April, 1861. I suppose the master knew of the war and the blockade. I don't know what knowledge the owners had.

22. To the 22nd interrogatory he says: Georgetown was under an

order of blockade by the Government of the United States at the time of our vessel entering the entrance to that place, as I have before stated. When we were off Hatteras Inlet on the second day out we were boarded from the U. S. gunboat Underwriter, but I don't nor have I heard what was said by the officer in command to the master of our vessel. I don't know whether or not any notice inwriting of any blockade was endorsed on our ship's papers.

23. To the 23 interrogatory he says: I don't know whether or not our register was ever shown to or examined by any United States Navy officer before our capture.

24. To the 24th interrogatory he says: When we entered Georgetown entrance no blockading vessels were in sight; but when we came out we saw two, but as the weather was rough we could not go to them, and we kept inshore. I know that we entered that port after the
58 order for the blockade was made; I also know that when we sailed therefrom that port was blockaded.

25. To the 25th interrogatory he says: The vessel has never before been seized as a prize.

26. To the 26th interrogatory he says: I have sustained no loss by the capture of the said vessel, unless I lose my time and wages. I have received no indemnity or satisfaction for any loss.

27. To the 27th interrogatory he says: I don't know whether or not the vessel was insured.

28. To the 28th interrogatory he says: I have already stated that we had no cargo.

29. To the 29th interrogatory he says the same.

30. To the 30th interrogatory he says the same.

31. To the 31st interrogatory he says: I have no knowledge, information, or belief concerning the matters herein enquired of.

32. To the 32nd interrogatory he says: No papers were delivered out of the vessel except at Port Royal, when Major Beard, aforesaid, took possession of all the papers. I don't know where they now are.

33. To the 33rd interrogatory he says: We had no cargo.

34. To the 34th interrogatory he says: We had three passengers on board our vessel. They were not hid at the time of the capture.
59 They were Spaniards. One was a segar-maker and the others were clerks. I don't know the name of the segar-maker. One of the clerks was named José Matinez. He came on board at New York in October, 1861, and was finally destined to Havana on his way to his uncle, who was there in business. The name of the other was Emelio Puiz. He came on board at Georgetown, aforesaid, in November, 1861, and was finally destined for Barcelona, in Spain. He was clerk to the Spanish consul in Charleston, or had been so previously. The cigar-maker was also bound to Havana. None of the passengers had any authority over or interest in the vessel to my knowledge. No persons were hid on board. No citizens of the Southern States were on board.

35. To the 35th interrogatory he says: I have no knowledge, information, or belief concerning the matters herein enquired of.

36. To the 36th interrogatory he says: I have already stated where and how we *ice* were captured as fully as I am able.

37. To the 37th interrogatory he says: I have no knowledge, information, or belief concerning the matters herein enquired of.

38. To the 38th interrogatory he says: No guns were mounted on our vessel, and no arms or ammunition belonged to her. None of the articles herein enumerated were on board.

60 39. To the 39th interrogatory he says: I have stated all that I know or believe, according to the best of my knowledge and belief, regarding the real and true property and destination of the said vessel at the time of capture.

40. To the 40th interrogatory he says: The said vessel never sailed under the convoy of any armed vessel to my knowledge.

41. To the 41st interrogatory he says: The said vessel sailed to Georgetown on the voyage during which she was captured. This port was not blockaded when we entered, or at least we could see no blockading vessels, but we saw some when we left.

42. To the 42nd interrogatory he says: She never carried any license or commission as a privateer, or any authority to make prizes to my knowledge.

43. To the 43rd interrogatory he says: She never sailed in company with any armed vessels for any purpose to my knowledge.

THOS. TAUNATT.

(Formal verification.)

61 District court of the United States, southern district of New York.

THE UNITED STATES
*vs.*
THE NUESTRA SENORA DE REGLA.

SOUTHERN DISTRICT OF NEW YORK:

Joseph M. Bones, being duly sworn, says: That he will truthfully and faithfully perform the duties of interpreter herein between the prize commissioners and the Spanish or foreign witnesses produced before them, fully and accurately translating into the language of the witness the standing interrogatories propounded to them by the said prize commissioners, and also truly, fully, and accurately translating the several answers of said witnesses to be taken down by the said prize commissioners.

JOSE. M. BONES.

Sworn to before me this 15th day of May, 1862.

HENRY H. ELLIOTT,
*U. S. Prize Com'r.*

62 District court of the United States for the southern district of New York.

(Through an interpreter.)

Deposition of YGNASIO LAPETGUI, a passenger, a witness produced, sworn, and examined in preparatorio, on the 15th day of May, in the year eighteen hundred and sixty-two, at the office of the U. S. prize commissioners, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. district attorney, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

Deponent, a Spaniard, was examined through an interpreter (see affidavit on file).

H. H. E.

1. To the 1st interrogatory he says: I was born at San Sebastian, in Spain, and have been residing in New York for about three years. Is not a citizen of the United States and not married.

2. To the 2nd interrogatory he says: He was on board of said vessel when captured.

3. To the 3rd interrogatory he says: In answer to the 3rd interrogatory he says: The capture was made about the first of December, 1861, while the vessel was lying at anchor at Port Royal;
63 that he was confined on shore before being sent here, and cannot say of his own knowledge where the vessel was taken. Does not know of any commission authorizing the capture of prizes by the captured vessel. He believes the seizure was made because of certain correspondence found in the vessel.

4. To the 4th interrogatory he says: The vessel sailed in the Spanish flag. No other flag was on board to his knowledge.

5. To the 5th interrogatory he says: There was no resistance made, and no guns fired. The capture was made by the provost marshal of Hilton Head, he believes.

6. To the 6th interrogatory he says: He was confined on shore and can give no answer to this interrogatory.

7. To the 7th interrogatory he says: The name of the captured vessel was Nuestra Senora de Regla, commanded by Ygnasio Antonio Reynals. He took command in New York, but don't know who appointed him. The master lives in Havana. Thinks he was born in Florida. Has heard him say he was a Spanish subject.

8. To the 8th interrogatory he says: About 3 or 400 tons. The ship's company consisted of about 20 persons and two passengers.
64 About 15 of the hands were on board at the time of capture. All came on board in New York. Think most, if not all, were shipped in New York by the captain.

9. To the 9th interrogatories he says: He was the steward. Does not know whether any of the persons on board were interested. Has heard the captain say the vessel cost $37,000.

10. To the 10th interrogatory he says: He saw her first a little over a year ago, while building in Mr Inglis' yard in New York. There were no guns on board; American build; called Nuestra Senora de Regla since she was finished. Never heard of her under any other name.

11. To the 11th interrogatory he says: She was bound to Havana. The voyage began in New York and supposed the voyage was to end in Havana. There was no cargo; coal for the engines only. The first voyage she ever made.

12. To the 12th interrogatory he says: She had a permit or clearance signed by the Spanish consul in New York.

13. To the 13th interrogatory he says: There was no cargo.

14. To the 14th interrogatory he says: The vessel was owned by a ferry company in Havana. She was built by the captain under orders from the ferry company in Havana. Thinks the members of the company are Spaniards.

65 15. To the 15th interrogatory he says: There was no sale or transfer to my knowledge.

16. To the 16th interrogatory he says: No cargo, therefore no papers relating thereto.

17. To the 17th interrogatory he says: No cargo, therefore no papers relating thereto.

18. To the 18th interrogatory he says: He had no papers that affected the vessel, but had letters from persons in New York to persons

in Havana. There were papers taken from others on board. Don't know where they are now.

19. To the 19th interrogatory he says: The capture was made in the American port of Port Royal, South Carolina.

20. To the 20th interrogatory he says: No knowledge in reply to this.

21. To the 21st interrogatory he says: He knew Port Royal to be in possession of the Federal forces.

22. To the 22nd interrogatory he says: There is no answer to this, except as answered elsewhere.

23. To the 23rd interrogatory he says: That while on the voyage from New York they had very heavy weather, and they ran in near the shore and anchored, but that in the night the vessel grounded. In the morning, they being about 12 miles northward from the port of Georgetown, attempted to enter, being in distress, but being
66 without a pilot, and the buoys having been removed, they anchored and sent a boat with two men on shore to obtain a pilot. This boat's crew were taken prisoners by the rebels, and soon after a tug-boat took the captain from the vessel, and afterwards he was taken to Charleston, where he saw the Spanish consul. Afterwards he returned from Charleston and made some repairs to the engine and then went back to Charleston. After a delay of about five days caused by bad weather, and the failure of the tug to tow us out, we came out of the river and were again obliged to anchor because of the strong wind. The next day they left the anchorage and proceeded on the way to Havana, and on the following day they spoke the U. S. ship Susquehanna blockading the port of Charleston. The Susquehanna sent a boat and took the captain of our steamer on board. When he returned he said he had obtained permission to enter Port Royal to obtain provisions. On our way to Port Royal, after proceeding a short distance, they were obliged to anchor till morning. After they had been under way a short time, on the morning, they were stopped by a gun-boat that had been
67 in company with the Susquehanna and entrusted with six prisoners to be conveyed to Port Royal.

24. To the 24th interrogatory he says: He has answered in substance before.

25. To the 25th interrogatory he says: Never was seized before except while in possession of the rebels in Georgetown River, before being releasd by the Spanish consul.

26. To the 26th interrogatory he says: His only loss is his wages and loss of time. I have never received any satisfaction for such loss, or any promise to that effect.

27. To the 27th interrogatory he says: The vessel was insured, but does not know anything further as to the insurance.

28. To the 28th interrogatory he says: No answer, as they relate to the cargo and papers, of which he has no further knowledge.

29. To the 29th interrogatory he says: No answer, as it relates to the cargo and papers, of which he has no further knowledge.

30. To the 30th interrogatory he says: No answer, as it relates to the cargo and papers, of which he has no further knowledge.

31. To the 31st interrogatory he says: No answer, as it relates to the cargo and papers, of which he has no further knowledge.

68 32. To the 32nd interrogatory he says: In answer to this interrogatory he says, there were letters taken away by the provost marshal, but does not know where they are now. Heard the captain say there were more papers found at a second search by the U. S. officers.

33. To the 33d interrogatory he says: No answer required, as it relates to cargo.

34. To the 34th interrogatory he says: They took out two passengers from New York and one from Georgetown. All these were on shore at the time of capture. Their names were Angel Gonzales, Martinez, and Emelio Puig, all Spaniards. Puig is a clerk by occupation; Martinez was a student, and Gonzales was a machanic. Martinez and Gonzales were taken on at New York, and Puig at Georgetown. He has no interest in the vessel. There were Americans (of the crew only) on board. They all (Americans) belonged at the North. No other passengers, and none secreted.

35. To the 35th interrogatory he says: That while lying at Georgetown we signed a protest directed to the Spanish consul as to the facts of his shipment here for Havana.

36. To the 36th interrogatory he says: No answer; we were at anchor when taken.

69 37. To the 37th interrogatory he says: He thinks the ownership would be the same as before captured. He knows of no sale or transfer of any kind.

38. To the 38th interrogatory he says: No guns on board; nothing of the kind; no freight of any kind.

39. To the 39th interrogatory he says: On his conscience he verily believes he was going to Havana.

40. To the 40th interrogatory he says: Never received instructions to resist a capture or destroy papers.

41. To the 41st interrogatory he says: Answer in interrogatory number 23; never attempted to enter any port under blockade.

42. To the 42nd interrogatory he says: No answer; he has no knowledge in reply to this.

43. To the 43rd interrogatory he says: No answer; he has no knowledge in reply to this.

YGNASIO LOPETQUI.

(Formal verification.)

70 District court of the United States for the southern district of New York.

Deposition of ANGEL GONSALES, a passenger, a witness produced, sworn and examined in preparatorio, on the 15th day of May, in the year eighteen hundred and sixty-two, at the office of U. S. prize commissioners, 39 Chambers st., on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. district attorney, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in old Spain; I now live in New York. I have lived there two years ago last March. I owe allegiance to the Spanish Government. I am not married.

2. To the 2nd interrogatory he says: I was not on board at the time of capture. I was on shore.

3. To the 3rd interrogatory he says: I do not remember the day of seizure. It was made in the harbor of Port Royal. The vessel
71 was kept in government service a short time. The captain said about ten days. She was brought to New York he has heard; he has not seen her. He left before the vessel, and was allowed to come

by the naval authorities there at Port Royal. I do not know why she was seized.

4. To the 4th interrogatory he says: She sailed under Spanish colors, and had no others that he knows of.

5. To the 5th interrogatory he says: No resistance was made as I know of; I was not on board. I do not know than any guns were fired. I do not know by whom the capture was made. There were vessels in the bay at the time of capture—don't know how many nor their names. The vessel captured was a ferry-boat.

6. To the 6th interrogatory he says: I know nothing about any capturing vessel or vessels.

7. To the 7th interrogatory he says: The Neustra Senora de Regla. The captain's name was Reynolds. I do not know who appointed him, or where. I have known the vessel since last October, and the captain since about the same date. He does not know when or where the captain first took possession of the vessel. He thinks the captain and his family did live in Havana, but that he is here now in New York.

72 I think from what the captain has said that his residence is in Havana. I do not know where he was born. I do not know of what nation he is subject.

8. To the 8th interrogatory he says: Her burthen I think about 400 tons. The vessel's company, captain, and crew, I think, all told, including three passengers, two from New York and one from Georgetown, about twenty persons. I do not know how many were on board when taken. He thinks they were Americans and Spanish, about half of each nation. I do not know whether they all came on board at one time and place.

9. To the 9th interrogatory he says: I was a passenger. I was not an owner in either vessel or cargo. I do not know about the others.

10. To the 10th interrogatory he says: I have known the vessel since last October. I first saw her in New York. She carried no guns. She was built I believe, in New York. Her name I have given before. She has never been called by any other name to my knowledge.

11. To the 11th interrogatory he says: She was bound, I think, to Havana; at least I paid my passage to be put in Havana. The voyage began in New York and was to have ended, I believe, in Havana. She had no cargo, only coal.

12. To the 12th interrogatory he says: I know nothing about any papers. There were letters on board, but I know nothing about

73 them. I don't know of her carrying any cargoes. She sailed from New York, I think, on the 27th of October last.

13. To the 13th interrogatory he says: She carried no cargo, I believe.

14. To the 14th interrogatory he says: I do not know who were the owners.

15. To the 15th interrogatory he says: I do not know of any sale of the vessel at any time.

16. To the 16th interrogatory he says: There was no cargo on board that I know of.

17. To the 17th interrogatory he says: I know nothing of any bills of lading.

18. To the 18th interrogatory he says: I have no letters or papers of any kind, and do not know of any anywhere.

19. To the 19th interrogatory he says: I know nothing about the latitude or longitude of her capture. She was captured at Port Royal in the harbor or bay.

20. To the 20th interrogatory he says: I know nothing about any

letters or papers of any kind, except that letters were on board; their contents I do not know.

21. To the 21st interrogatory he says: I did not know whether the port was blockaded. I had heard that the Southern ports were blockaded. I heard this before I left New York. I do not know that the captain knew of the blockade.

74 22. To the 22nd interrogatory he says: I know nothing in reply to this question about the blockade.

23. To the 23rd interrogatory he says: I do not know that the register was examined by any officer until our arrival at Port Royal. I saw them search for papers at Port Royal; and some were taken away by an officer of the Union, I think.

24. To the 24th interrogatory he says: I do not know of any attempt to enter or escape from a blockaded port.

25. To the 25th interrogatory he says: I do not know that she was ever before seized as prize.

26. To the 26th interrogatory he says: I have lost only my time and passage.

27. To the 27th interrogatory he says: I have heard the captain say the vessel was insured here in New York.

28. To the 28th interrogatory he says: There was no cargo.

29. To the 29th interrogatory he says: There was no cargo.

30. To the 30th interrogatory he says: There was no cargo.

31. To the 31st interrogatory he says: I know of no letters or papers.

75 32. To the 32nd interrogatory he says: I knew there were *were* papers, but I don't know that any were taken away until we reached Port Royal. I saw some taken away on the second search for papers.

33. To the 33rd interrogatory he says: There was no cargo.

34. To the 34th interrogatory he says: There were two passengers from New York; I was one, the other Joseph Martinez. One passenger was from Charleston, taken on board at Georgetown, S. C. No other passenger that I know of. I am a segar-maker. Martinez, I do not know his occupation. I do not know the occupation of the passenger from Charleston; I heard he was a clerk or something of that kind. His name, Amelio Puig, I think. All were bound for Havana. They had nothing to do with the vessel that I know of.

35. To the 35th interrogatory he says: I know nothing about any papers concerning the vessel.

36. To the 36th interrogatory he says: The vessel was taken in Port Royal Bay. I heard on board that we ran close along the coast on account of bad weather and because the vessel was not strong enough for a high sea.

37. To the 37th interrogatory he says: I do not know that the vessel had been sold at any time; I think the vessel belonged to a ferry company in Havana. I heard this from the captain.

76 38. To the 38th interrogatory he says: There were no guns mounted; I saw no arms or ammunition, and nothing of the kind enquired about in this question.

39. To the 39th interrogatory he says: I believe the vessel was going to Havana; I know nothing about any other destination of the vessel.

40. To the 40th interrogatory he says: I do not know that she ever sailed under the convoy of any ship of war at any time.

41. To the 41st interrogatory he says: I do not know that she ever attempted to sail to or from a port under blockade.

42. To the 42nd interrogatory he says: She never carried any license as privateer, or letter of marque to my knowledge.

43. To the 43rd interrogatory he says: She never sailed or acted in concert with any man-of-war, at any time, to my knowledge.

ANGEL H. GONZALEZ.

Subscribed and sworn to this 15th day of May, 1862.

HENRY ELLIOTT,
*U. S. Prize Com'r.*

(Formal verification.)

77 District court of the United States for the southern district of New York.

Deposition of FRANK MCGINN, fireman, a witness produced, sworn, and examined in preparatorio, on the 16th day of May, in the year eighteen hundred and sixty-two, at the office of the U. S. prize commissioners, 39 Chambers street, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. district attorney, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in Ireland. I now live on Staten Island. I have been on and off there this last eleven years. I am not a citizen of the United States as I know of. I have never been naturalized. I consider this my country. I owe allegiance to the Government of the United States.

78 2. To the 2nd interrogatory he says: I was not on board when the officers who seized her first came on board and searched her in the harbor or bay of Port Royal. I was then on shore, gathering oysters. I was on board after she was seized, and called the officer's attention to places on board which ought to have been searched, saying that I knew as many hiding places as any one on board, and afterwards another search was made in a place pointed out by me, and other papers found there, letters and newspapers.

3. To the 3rd interrogatory he says: The seizure was made about the 1st of December, 1861, while the boat was lying at anchor in Port Royal Bay; the vessel was left there and was there when I left there. She is now in New York or Brooklyn. She had no commission to make prizes. She was seized on account of dispatches found on board, which were represented as contraband matter.

4. To the 4th interrogatory he says: She sailed under Spanish colors; no other national colors on board that I know of.

5. To the 5th interrogatory he says: I don't think there was any resistance made or any guns fired. The capture was made by the provost marshal of Port Royal and some other officers of the U. S. Army. The captured vessel was built for a ferry-boat.

79 6. To the 6th interrogatory he says: The capture was not made by any vessel as I understood, but by officers of the Army.

7. To the 7th interrogatory he says: The name of the captured vessel is Nuestra Senora de Regla, Captain Reynolds, commanding; Captain Sanburg was partly in command. He was said to have been put on board by an insurance company.

8. To the 8th interrogatory he says: The burthen of the vessel, I think, is about four hundred tons. Her company was 22, I think, all

told. I am not sure of the number; not all on board when she was taken. I don't know how many were on board when she was taken; I was away. I think about one-half were Spaniards, and about one-half New York men; partly American and partly foreigners. All came on board at New York, except the Spanish consul's clerk, Don Amelio something; I don't remember his name. He came on board in Georgetown Bay. They were shipped in New York by the house of Peter V. King & Co., merchants or agents of the owners.

9. To the 9th interrogatory he says: I was fireman and belonged to the company of the captured vessel. I had no interest in her, and I do not know that any of the company had.

10. To the 10th interrogatory he says: I knew the vessel first in October last in the city of New York. She carried no guns. She
80 was built in New York. I have never known her by only one name.

11. To the 11th interrogatory he says: We shipped in New York for Havana. The voyage began in New York, and all supposed it was to have ended in Havana. She carried no cargo, but coal for her own use. She never made only this one voyage.

12. To the 11th interrogatory he says: I do not know anything about her "passport or sea-brief." She sailed for Havana along down the coast and made her first port at Georgetown, South Carolina. On our way down we got on the bar at Ocracoke, where we lay about 8 hours. While there, some fishermen came along, and the captain took one of them, who represented himself as a coast pilot, to pilot us to Charleston. While lying off Georgetown, outside the bar, three or four of our men went ashore in a boat to get another pilot to pilot us into Georgetown. These men were taken prisoners, and were kept on shore until the next day. In the mean time the secesh steamer Nina came out; came along side of us; took our captain and chief engineer on board, and took our vessel afterwards in tow; told us to get up steam, and steam up ourselves. We followed the tow over the bar into the "Mud Bay," inside the light-house. After this the captain and all the rest of our crew came back on board. While there the captain left and went to Charleston. While he was gone the
81 officers from the fort came on board and took from the engine the shackle-bar, eccentric hook, and all our small boats, and took them on shore. The captain was away in Charleston, perhaps 4 or 5 or 6 days, when he came on board again with the Spanish consul and his clerk. The consul said that we were a lot of damned jackasses, and also told the captain that he would give him sealed orders what to do with us when he got to Havana. The Spaniards on board told the Spanish consul that the Yankees on board were going to put the Spaniards in barrels and let them float in the harbor, and work the vessel out to the Union fleet. We told the consul that this was not so, that many things were talked of which were not done. I think the consul remained on board that night and his clerk. The captain then went with them to Charleston, and was gone probably 12 days (twelve days). When he came back the consul's clerk came with him, bringing his trunks. The clerk remained on board and sailed with us until we were taken at Port Royal. When the consul came on board he brought a heavy trunk, and when it went away it was light. When the captain came on board the last time he said he had despatches on board
82 to order the Spanish and French fleet into Charleston and Georgetown, and also private letters from families in Charleston & Georgetown; he told us if we had any Charleston newspapers to stow them away, so that the Union fleet would not find them, if the vessel was likely

to be searched, and that those despatches which he had on board he would tie a chunk of coal to them and sink them before the Union fleet would get them. We lay at Georgetown twenty-two days. While there there would be sometimes a blockading vessel in sight, and the authorities in the Confederate fort would not let us sail until the vessel was out of sight. When they got ready the' pilotted us out, by sending the steamer Dixie ahead of us over the bar; from thence we sailed to Port Royal. We got there the 26th of November. The captain went on board the flagship to get provisions and coal, which he did get. We (I mean four or five of us New York men) tried to get ashore to report what we supposed was on board about the despatches. We could not do so; there was a watch kept all the time by "Spanish Joe," and others, to keep us on board; but Mr. Hawkins, the second engineer, got his discharge and went ashore, and he reported the vessel to
83 Quartermaster Saxton. I understand Spanish, and I used to hear the captain and the consul's clerk talk over the despatches and letters which they had on board, and in this way I knew about them. We were seized by the provost marshal at Port Royal about the first or second of December last.

13. To the 13th interrogatory he says: I never knew of any cargo on board.

14. To the 14th interrogatory he says: I know nothing about the owners, nor who they were. I was told she belonged to the Havana and Matanzas Railroad Company.

15. To the 15th interrogatory he says: I know nothing about any bill of sale.

16. To the 16th interrogatory he says: There was no cargo on board.

17. To the 17th interrogatory he says: I know nothing about any bills of lading.

18. To the 18th interrogatory he says: I have never had any of the vessel's papers, and know nothing about any.

19. To the 19th interrogatory he says: I know nothing about latitude or longitude. The seizure was made in the bay of Port Royal, South Carolina. I know nothing about any charter-party.

20. To the 20th interrogatory he says: I know of no bills
84 lading. I do not know that any papers were torn or burnt or destroyed.

21. To the 21st interrogatory he says: I did know that the State of South Carolina was at war with the United States. This was known to the captain and all hands before we left New York.

22. To the 22nd interrogatory he says: We knew all these southern ports were under an order of blockade. Her papers were examined at quarantine, New York, when we left, and again at Hatteras, and off Charleston by the Susquehanna. I think the officer at Hatteras endorsed them.

23. To the 23rd interrogatory he says: I know noth'ng in reply to this question, except what I stated last, that her papers were examined at the quarantine, and off Hatteras, & off Charleston.

24. To the 24th interrogatory he says: I do not know that we ever attempted to enter or sail from any blockaded port "secretly or covertly."

25. To the 25th interrogatory he says: I do not know that the vessel was ever seized as prize before.

26. To the 26th interrogatory he says: I have lost nothing but my wages and tools.

27. To the 27th interrogatory he says: I know nothing about any insurance.

85 28. To the 28th interrogatory he says: There was no cargo on board.

29. To the 29th interrogatory he says: There was no cargo.

30. To the 30th interrogatory he says: To this interrogatory deponent says: There was no cargo.

31. To the 31st interrogatory he says: I know nothing about any papers of the vessel. I once saw, while at Georgetown, a package of papers which I heard said were the Spanish consul's despatches.

32. To the 32nd interrogatory he says: I know nothing more about any papers.

33. To the 33 interrogatory he says: There was no cargo.

34. To the 34 interrogatory he says: There were two passengers from New York. I do not know their names. I understood one was a segar maker; the other had been here at school to learn English. The Spanish consul's clerk was a passenger from Georgetown, but he was put on the ship's articles as a coal-passer. We went out of New York short of a coal-passer. The Spanish consul represented to us New York men, that this clerk of his was going out in the place of and in the name of this coal-passer which we were short of from New York. There were no other persons of any kind on board.

86 35. To the 35th interrogatory he says: I know nothing about the "passports or sea-briefs," nor any papers relating to the vessel, beyond what I have already stated.

36. To the 36th interrogatory he says: We were at anchor when taken. We had sailed snug alone shore all the way down until we reached Port Royal.

37. To the 37th interrogatory he says: I know nothing of any sale of the vessel.

38. To the 38th interrogatory he says: There were no mounted guns on board, no ammunition or warlike stores, or military equipments, and no cargo of any kind.

39. To the 39 interrogatory he says: I don't know what was the true property and destination of this vessel. The crew could not understand anything about it. It was a "mixed up affair," which we could not comprehend. We did not know what to make of the voyage. Once the captain wanted to go the inland passage from Port Royal to Savannah, and I understood the captain to say that he had asked the flag-officer to let him go out that way, on his way to Cuba, but we New York men did not want to go that way; we did not like to go to Secesh-town any more. We had been into it once at Georgetown, and were glad to get out of it.

87 40. To the 40th interrogatory he says: We never sailed under the convoy of any ship of war.

41. To the 41st interrogatory he says: I do not know of any attempt to break any blockade, only at Georgetown, as herein stated.

42. To the 42nd interrogatory he says: I do not know of her ever having carried a license as privateer, or letter of marque.

43. To the 43rd interrogatory he says: She never acted or sailed in company with any armed vessel or vessels.

FRANK McGINN.

Subscribed and sworn to this 16th day of May, 1862.

HENRY H. ELLIOTT,
*U. S. Prize Com'r.*

(Formal verification.)

88 District court of the United States for the southern district of New York.

Deposition of JOSEPH MCGEE, fireman, a witness produced, sworn and examined in preparatorio, on the 23rd day of May, in the year eighteen hundred and sixty-two, at the office of the U. S. prize commissioners, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. district attorney, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in Ireland; I now live in Laight st., New York; I lived there about a month; I am not a citizen of the United States; I have lived in this country about six years; I came here under age, and have not been naturalized; I consider that I owe allegiance to the United States Government; I am not married.

89 2. To the 2nd interrogatory he says: I was present at the capture of the Nuestra Senora de Regla.

3. To the 3rd interrogatory he says: I can't say what day the seizure was made; I believe on the 14th day of December, at Port Royal, South Carolina, by the provost marshal or quartermaster of the United States Army; I left her at Port Royal; she was there when I last saw her; she was seized because one of the crew, Mr. Hawkins, second engineer, had been on shore and reported that we had despatches on board for the French and Spanish fleets, with orders to come to the South, as the Yankees were doing bad things there, and had set free 20,000 negroes at Beaufort, and were putting arms in their hands. We had stopped on our way at Georgetown, and when there the captain went twice to Charleston, and when he came back he said he had letters and papers from people from Charleston which he would tie a piece of coal to and sink them overboard before they should fall into the hands of any United States man of war. He told the engineer that if he had any Charleston papers on board to put them out of the way. The

90 engineer said he had furnaces which would burn coal and they would burn paper too. The Spanish consul came on board at Georgetown and made us all sign a paper to the effect that we put in there in distress, because our machinery was broke, when we were not in any distress. One of the eccentric arms had got broke, but the engineer repaired it, and we could do well enough without it. She was a ferry-boat and one eccentric was enough, as one eccentric was to back the boat and the other to go ahead.

4. To the 4th interrogatory he says: We sailed under Spanish colors and had no others.

5. To the 5th interrogatory he says: There was no resistance made. The captain was ashore when we were taken by the provost marshal.

6. To the 6th interrogatory he says: We were not captured by any vessel.

7. To the 7th interrogatory he says: The name of the captured vessel is Neustra Senora de Regla—the captain, Reynolds. He came from Havana to take charge of the boat. I don't know who appointed him to the command. I have known her since the 25th October last, and the captain the same time. He took possession of her in New York at

the time she was built or building. He superintended the build-
91 ing of her. He lives in Havana and has a wife and family there. I don't know where he was born. He said he belonged to the Spanish Government. He used to show his papers that he belonged to the Spanish navy.

8. To the 8th interrogatory he says: I don't know her tonnage.

9. To the 9th interrogatory he says: I did belong to the vessel's company; I was fireman. I had no interest in her, nor had any of the crew. I think the captain was part owner. I know nothing about the value.

10. To the 10th interrogatory he says: I have known the vessel since last October. I was on her about four months. I first saw her in New York. She carried no guns. Her company, all told, including two passengers, was, I think, twenty-one. Some of them were on shore gathering oysters when she was taken. About half the crew were Spaniards, the other half Americans. They were shipped in New York by the captain or his agents.

11. To the 11th interrogatory he says: We were bound to Havana. The voyage began in New York and was to have ended at Havana. She had no cargo of any kind, except 3 or 4 thousand wooden wedges, such as are used by ship builders.

92 12. To the 12th interrogatory he says: I do not know about her papers of any kind. This was her first voyage. She has carried no cargoes. She sailed from New York on the 27th of October last.

13. To the 13th interrogatory he says: She has carried no cargo at any time except the wooden wedges before stated.

14. To the 14th interrogatory he says: I don't know who are the owners.

15. To the 15th interrogatory he says: I don't know of any sale of the vessel at any time.

16. To the 16th interrogatory he says: There was no cargo on board.

17. To the 17th interrogatory he says: I don't know of any bills of lading or any papers of the vessel.

18. To the 18th interrogatory he says: I never saw any of the papers of the vessel.

19. To the 19th interrogatory he says: I know nothing about latitude or longitude. We were captured at Port Royal. I know of no charter-party.

20. To the 20th interrogatory he says: I know nothing about any papers of any kind. I never heard of any being burnt or destroyed.

21. To the 21st interrogatory he says: I knew that all the
93 Southern ports were blockaded. We all knew this before we left New York.

22. To the 22nd interrogatory he says: We all knew all about the blockade.

23. To the 23rd interrogatory he says: I don't know that the register was ever examined by any one. I know nothing about the papers.

24. To the 24th interrogatory he says: We were going to run the blockade into Charleston. We did run into Georgetown and Port Royal. We had a North Carolina pilot on board which we took on board at Ocracoke. We wanted to land him in Charleston, Georgetown, or Savannah. He was landed at Georgetown.

25. To the 25th interrogatory he says: She was never seized as prize before.

26. To the 26th interrogatory he says: I have lost my wages only and my time and detention nearly four months.

27. To the 27th interrogatory he says: I heard the captain say she was insured for $40,000.

28. To the 28th interrogatory he says: There was no cargo.

29. To the 29th interrogatory he says: There was no cargo.

30. To the 30th interrogatory he says: Same answer.

31. To the 31st interrogatory he says: I know nothing about any of her papers.

94 32. To the 32nd interrogatory he says: There was a trunk came on board at Georgetown—brought on board by the Spanish consul or his clerk. It came on board very heavy and it went away the same evening very empty or light. We supposed it had papers. I afterwards saw a great many packages of papers with sealing-wax seals on the cabin table which the consul said in my hearing were private papers and despatches for his government. The coal-passer told me that the captain gave him a parcel of papers and told him to take the papers down to the coal-bunker and put them out of the way where they could not be found. When the 2nd lieutenant of the Army came on board at Port Royal the same coal-passer took him down to the coal-bunker and gave him the papers. They were taken away by the officer. The sealed papers of the consul were taken away by the provost marshal and another officer. Two weeks after this more papers were found by the provost marshal of the Army & a carpenter which he brought on board with him. They were found underneath the cabin-seat. There were sealed despatches and letters. They were down under the side sealing under the seat. A board had been taken out and these papers shoved down between the side sealing and the side of the boat. I
95 saw them taken out. The captain said the Spanish consul's clerk put them there. He said in my hearing that he knew his boat was gone when these despatches were found. These papers were taken away by the provost marshal of the Army.

NOTE.—At this point deponent corrected an error, and said these papers were taken by the provost marshal and not by the lieutenant.

33. To the 33rd interrogatory he says: There was no cargo.

34. To the 34th interrogatory he says: There were two passengers. I don't know their names or anything about them. The consul's clerk came on board at Georgetown. He was a passenger and lived in the cabin with the captain. The consul said he would send this clerk home to Havana in the place of a coal-passer who was left behind at New York. The consul said that if we met a man-of-war we must say that we went into Georgetown in distress, and that we did not leave any passengers nor take any on at Georgetown, and that we left only the North Carolina pilot. There were no other passengers or persons of any kind on board.

96 35. To the 35th interrogatory he says: I know nothing about any papers except what I have already stated.

36. To the 36th interrogatory he says: We were captured while at anchor. Our course was not altered, because we were not under way when captured; we were not on any course.

37. To the 37th interrogatory he says: I do not know anything about any sale of the vessel.

38. To the 38th interrogatory he says: There were no guns mounted, and none on board, nor any arms or ammunition, nor any cargo of any kind.

39. To the 39th interrogatory he says: I have told all I know about the property and destination of the vessel and cargo.

40. To the 40th interrogatory he says: She never sailed under the convoy of any ship of war that I know of.

41. To the 41 interrogatory he says: I know nothing further than what I have told in reply to this question.

42. To the 42nd interrogatory he says: She never carried a license as privateer or letter of marque that I know of.

43. To the 43rd interrogatory he says: I know nothing in reply to this question.

JOSEPH + McGEE.

Signed by a cross and sworn to before me this 23rd day of May, 1862.

HENRY H. ELLIOTT,
*U. S. Prize Com'r.*

(Formal verification.)

97 District court of the United States for the southern district of New York.

Deposition of PETER W. COON, fireman, a witness produced, sworn, and examined in preparatorio, on the 29th day of May, in the year eighteen hundred and sixty-two, at the office of E. H. Owen, U. S. prize com'r, 72 Wall st., New York, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. dist. att'y, of said district, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in the State of New York. I am married and reside in the city of New York, and have resided here two years. I am a citizen of the United States, and owe allegiance thereto.

2. To the 2nd interrogatory he says: I was not immediately present at the capture. I was off getting some oysters, and when I re-
98 turned I found her in charge of a file of soldiers.

3. To the 3rd interrogatory he says: The capture was made in Port Royal on the 1st day of December last. The reason for the capture was that she was suspected of having papers aboard which were contraband, so I understood.

4. To the 4th interrogatory he says: The vessel sailed under Spanish colors. I did not see any other colors, and I think there were none others aboard.

5. To the 5th interrogatory he says: No resistance was made. No guns were fired. The capture was not made by a vessel but by a provost marshal's guard. The vessel was lying at anchor at the time. There were a number of U. S. vessels lying around there.

6. To the 6th interrogatory he says: I have answered this by stating that the capture was by order of the provost marshal.

7. To the 7th interrogatory he says: The name of the vessel was the Nuestra Senora de Regla. She was intended for a ferry boat. She was a side wheel steamer. Don't know the power of her engine. Her captain's name was Reynals. I don't know his first name. He took command at New York. There was also a sailing master whom they called Captain Souberg, or some name like that. He acted as naviga-
99 tor. I understood that he was put aboard by the insurance com-

panies to navigate the vessel. Souberg lives in Brooklyn. The captain lives in Havana. He was born in Florida, but has lived the greater part of his life in Havana.

To the 8th interrogatory he says: The boat is between 3 & 400 tons burthen. I think her company was twenty-one or 22; I am not positive. All were on board when we left New York except one man who got left. All were aboard when taken except the 2nd engineer and one fireman who had left at Port Royal, and our boat's crew which was temporarily absent. Part of the crew were Spaniards, and some were from New York; I don't know what nation they were.

9. To the 9th interrogatory he says: I belonged to the boat. I was fireman; I had no interest in the boat. She had no cargo.

10. To the 10th interrogatory he says: I knew the vessel since she was built. She was built here last year. She has never been called any other name.

11. To the 11 interrogatory he says: The boad started from here for Havana. She carried no cargo. I don't know that she carried any papers from here.

100 12. To the 12th interrogatory he says: I know that the boat left here with the usual clearance papers. This was her first trip, except that she had once before started and put back. We first run upon Ocracoke Reef, and lay there all night. The next morning two men came off shore in a sail-boat to us. They were strangers. I don't know that any person on board knew them. They left saying they would return with a pilot when the tide was high, and get us off. The pilot came and took us out. While there we broke our machinery. The boat was then run down to within about 16 or 18 miles of Georgetown Inlet, where we anchored, and the next day we run to Georgetown Inlet. The pilot did not wish to go any further. There three of the crew and the pilot went ashore, when they were seized by soldiers and detained. The next morning the secession steamer Nina came to us and towed us into Georgetown Bay, where we lay some 20 days or upwards. Had no intercourse with the shore. The Spanish consul at Charleston came to us, and took some of the Spaniards ashore. They staid over night and came aboard the next morning. The captain was taken ashore by the officers of the Nina, and he was ashore, I think, nearly two weeks

101 altogether. We did not hear from him from the time he left until he returned. Captain Souberg was left in charge. When the captain returned he was accompanied by the Spanish consul and a clerk. The three came off in a steamer called the Dixie, having Spanish colors flying in front. The three all came aboard. There were two or three trunks put aboard; I am not certain which. I know I saw two. The trunks were taken into Captain Reynal's apartment, where he lived, and left there. There was nothing else came aboard that I know of, until the next day, when some provissions were taken aboard. The consul stayed until late in the evening, when the Dixie came for him. I don't remember that any persons were aboard from the Dixie. Persons from her had been aboard. The clerk went off also with the consul, and remained on shore that night, and he came aboard in a day or two after, when I found out he was going out as a passenger. I think he came aboard the last time by the Dixie; either by her or the Nina. I did not see him bring anything with him at this time. Shortly after we started. They refused to take us out one day, because of a blockading vessel that lay off there. The captain wanted to go, but the tug did not wish to go out. Off Charleston Harbor we found three blockading vessels

102 lying there. Our papers were examined and we were permitted to proceed. Some prisoners were sent aboard to be taken to Port

Royal. We lay at Port Royal four or five days before the vessel was taken. The day she was taken a search was made, and I understood that some papers were found, but I don't know where they were found. Afterwards, and after we had been a week or more in the employment of the United States Government, there were some more papers found. I was present at the time. There was quite a large bundle found. They were found under the seat in the cabin. I am not sure whether it was the one occupied by the captain or not. I think they were in the cabin where the clerk's trunks were placed, and it runs in my mind that it was in the captain's cabin. This is a history of the voyage as well as I am now able to state it. I don't know who placed the papers there. I have never heard.

13. To the 13th interrogatory he says: The vessel had no cargo.

14. To the 14th interrogatory he says: I don't know who owned the boat; I understood that some ferry company in Havana owned her.

15. To the 15th interrogatory he says: I don't know anything of any bill of sale of the vessel.

103 16. To the 16th interrogatory he says: There was no lading on board.

17. To the 17th interrogatory he says: There were no bills of lading.

18. To the 18th interrogatory he says: I have not and never have had any papers of any kind relating to the vessel. I don't know what papers were aboard.

19. To the 19th interrogatory he says: The vessel was seized at Port Royal, South Carolina. I can't answer this question further.

20. To the 20th interrogatory he says: I don't know what papers were aboard when the vessel left here, or any of the places before mentioned, but none were burnt, torn, thrown overboard, or destroyed, to my knowledge or belief. There were some secreted, as I have before stated. I don't know what they were. I saw that some of them were letters. They had been evidently hid away by some one. I did not see them hid away, nor do I know who did it.

21. To the 21st interrogatory he says: The master and all on board had heard in New York that the southern ports were blockaded at the time we left.

22. To the 22nd interrogatory he says: The ports were, as I understood, actually under blockade.

23. To the 23d interrogatory he says: The register of our vessel
104 had been examined, as I have already stated.

24. To the 24th interrogatory he says: The vessel never attempted to enter or depart from and blockade port except in the way and manner before stated.

25. To the 25th interrogatory he says: The said vessel has never before been seized as a prize to my knowledge.

26. To the 26th interrogatory he says: The only loss I have sustained has been my wages at $2 per day for about six or seven months and also my time. I have received no indemnity or satisfaction therefore.

27. To the 27th interrogatory he says: I think the vessel was insured in New York, but I don't know in what company or for what amount. I think it was for the voyage to Havana. I heard of this on board the vessel.

28. To the 28th interrogatory he says: The vessel had no cargo, as I have stated.

29. To the 29th interrogatory he says: The same.

30. To the 30th interrogatory he maketh the same answer.

31. To the 31st interrogatory he says: I have no knowledge, information, or belief concerning the matter herein enquired of.

32. To the 32nd interrogatory he says: No papers were delivered out of the said vessel to my knowledge or belief. I know of none
105 being so delivered to any officers at Port Royal.

33. To the 33rd interrogatory he says: We had no cargo.

34. To the 34th interrogatory he says: There were three passengers on board. They were not secreted at the time of capture. I don't remember their names. They were all Spanish and two of them were, as I believe, segar makers, and the third was a clerk to the Spanish consul in Charleston, aforesaid. I don't know whether or not they had any commission. The two first mentioned came on board at New York, and the latter at Georgetown. He came on board a day or two before we proceeded on our voyage. They were all finally destined to Havana, but I don't know upon what business. They had no authority over the vessel, and no interest therein to my knowledge. No persons of any class or description were hid on board. I don't think there were any citizens of any of the Southern States on board at the time of capture.

35. To the 35th interrogatory he says: I have no knowledge, information, or belief concerning the matters herein enquired of.

36. To the 36th interrogatory he says: I have already stated the circumstances of our capture, and have answered as fully as I can this interrogatory.

106 37. To the 37th interrogatory he says: I have already fully answered this interrogatory.

38. To the 38th interrogtory he says: No guns were mounted on board and no arms or ammunition belonged to her. None of the articles herein particularly enumerated were on board of our vessel, to my knowledge or belief.

39. To the 39th interrogatory he says: I have stated all that I know to the best of my knowledge and belief regarding the real and true property and destination of the said vessel at the time of capture.

40. To the 40th interrogatory he says: The said vessel never sailed under the convoy of any ship of war, to my knowledge or belief.

41. To the 41st interrogatory he says: I have stated all that I know concerning the said vessel and the matters herein enquired of.

42. To the 42nd interrogatory he says: The said vessel has never carried any license or commission as a privateer or letter of marque to my knowledge or belief.

43. To the 43rd interrogatory he says: The said vessel never sailed or acted in company or concert with any armed vessel or vessels, to my knowledge or belief.

(Formal verification.)

PETER W. COON.

107 District court of the United States for the southern district of New York.

Deposition of GEORGE W. KEARNEY (fireman), a witness produced, sworn, and examined in preparatorio, on the 29th day of May, in the year eighteen hundred and sixty-two, at the office of E. H. Owen, U. S. prize commissioner, at No. 72 Wall street, N. Y. City, on the standing interrogatories established by the district court of the United States for the southern district of New York; the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. district attorney for the said district, in behalf of the captors of a certain ship or vessel called the Nuestra Senora de Regla.

1. To the 1st interrogatory he says: I was born in Ulster County,

New York State; I am about 24 years old; I have lived in the city of New York, off and on, for the past 4 or 5 years; I am a citizen of the United States, and owe allegiance to that government; I am unmarried.

2. To the 2nd interrogatory he says: I was present at the capture of the vessel and cargo.

108 3. To the 3rd interrogatory he says: The capture was made on the 1st of December, 1861, in Port Royal harbor, by a detachment of U. S. soldiers under Captain Saxton, who came on board and took possession. The blockading squadron was in sight. The vessel was chartered by the U. S. officers *officers*, and used in carrying cotton from the different islands in Port Royal harbor until about the 1st of February, 1862; about that time she was given up to Commander Dupont of the blockading squadron, and after being used in supplying the different vessels of the fleet with wood, the crew were put on board the Connecticut and brought to this port. The vessel remained there for a time and was finally sent to this place, arriving here about a month ago. She had no commission to make prizes. We were captured because we had southern letters on board.

4. To the 4th interrogatory he says: She sailed under the Spanish flag, and had no other colors on board.

5. To the 5th interrogatory he says: No resistance was made to the capture. No guns were fired. The vessel taken was a steam ferry-boat, owned by the Spanish government, or a ferry company in Cuba, I do not know which. I have already answered the remainder of this interrogatory.

109 6. To the 6th interrogatory he says: The soldiers who seized us had a commission to act from General Sherman. The ferry-boat has not been condemned to my knowledge.

7. To the 7th interrogatory he says: The name of the captured vessel was the Nuestra Senora de Regla. Her master's name was Reynals. I do not know his first name. I have known him and the vessel since July, 1861. He took possession in New York some time during the summer of that year. I do not know the exact date. I do not know who delivered the possession to him. He lives with his wife and family in Cuba, and, I have heard, has lived there 47 years. He was born in St. Augustine, Florida, I think. I do not know of what country he is a subject.

8. To the 8th interrogatory he says: I cannot state the tonnage of the ferry-boat. Her full company consisted of 20 or 22 men, officers and crew all told. Ten or twelve were on board at the time of capture. The remainder had gone after oysters on Port Royal beach. They all came on board afterwards but two, who, having strayed too far from the beach, were captured by the Union pickets, and detained until we were put on board the Connecticut & sent to this port. They

110 were put on board and sent with us. The entire company came on board at New York between the 7th and 11th of October, 1861. A shipping master named Kingsbury hired them.

9. To the 9th interrogatory he says: I joined as fireman; but during the voyage acted as coal-passer on the vessel. I had no interest in her. I have heard, but do not know, that the captain owns a share of her. Nobody but him had any interest, to my knowledge, information, or belief.

10. To the 10th interrogatory he says: I have known the vessel since I first saw her in July, 1861. She carried no guns. Ten or twelve men

were on board at the time of capture. She has always been called the Nuestra Senora de Regla, and was built in New York.

11. To the 11th interrogatory he says: The voyage on which the vessel was taken began at New York, & was to have ended at Havana in Cuba. We left New York on the 11th of October, 1861, went to a point a few miles below Barnegat, and sprung our guards by reason of a heavy sea that was running; then returned to New York, arriving on the 12th of that month; got repaired; left again on the 27th October. On the 29th we were boarded by the U. S. gunboat Underwriter off Hatteras Inlet. She examined our papers and let us pass. We proceeded
111 on our voyage, but in consequence of a heavy sea, steered in towards land, and the same night we got aground on Ocracoke Reef. The heavy swell washed us over the bar that night, and brought us into Pamlico Sound. On the 30th three men, citizens of North Carolina, came on board (we having made signals of distress), and furnished us with some oysters and fish. Our captain hired one of them as a pilot to get us outside of the reef. When we went ashore on the 29th, we broke the rock-shaft, bent the eccentric rod, and got our pumps filled with sand. We intended to get them repaired as soon as possible, by getting the use of a forge from any gunboat we might meet, or at any place we should next stop at. On the 31st of October we again began the voyage, and on the 1st of November a heavy southeast gale struck us and obliged us to go in towards shore. We were at first intending to beach her, but finally concluded to throw our anchors & see if she would ride through the storm. She did, & on the 2nd we got up anchor and sailed down to North Island, near Georgetown Bay, S. C., & cast anchor. We laid outside of the bay. Four of our crew went ashore to get the use of a forge and they were made prisoners. On the 3rd the people of the place came out with an armed
112 boat & towed us into the harbor, and anchored us under the guns of one of their forts. On the fourth they took our captain down to Charleston. He returned & then went back again to Charleston, taking with him our broken machinery. He had it mended at that place and then came up in about a week, in company with the Spanish consul and his clerk. The clerk came on board as a passenger, bound for Havana. I do not know on what business. He brought two or three trunks with him. They contained some Confederate letters. After we left Georgetown Bay (on the 24th) we started to go to Port Royal to get some coal and provisons, as that place had been captured by the Federals while we were in Georgetown. Off Charleston, on the 25th of November, the U. S. man-of-war Susquehanna stopped us, and one of her officers boarded us and searched our papers. He pronounced us all right, and gave us permission to go into Port Royal for provisions. We laid at anchor about 4 miles from the shore that night and the next morning started for Port Royal. About half way between there and Charleston we were boarded by the U. S. gunboat Penguin, and her captain asked asked us to take 7 prisoners and
113 a letter to Commodore Dupont at Port Royal. We took them on board and started for Port Royal, reaching there about noon of the 26th of November. We came to anchor near the Wabash. Our captain went on board of that vessel & asked permission to obtain provisions and coal. We obtained permission and discharged our prisoners, and then began to take supplies from different vessels. We got ready for sea on the 30th of November, but on the 1st of December the soldiers came on board and seized us, as above stated. We had no cargo on board during the voyage. Put at Georgetown

the consul's clerk came on board, as above stated, with two or three trunks. I afterwards found that they contained some letters. When they came on board I did not know that they had letters in them. I found this out on the 1st of December, the day of capture. Some of them were found in these trunks and some under the seats in the cabin. They must have been put there to be secreted. I don't know whether or not the captain knew that these letters came on board. I never saw how they were directed. They were not all the consul's despatches. One bundle had the Spanish official's seal on; the others did not.

114 When we left New York we expected to follow the coast all the way down, for the boat was not built in such a manner that she could take the regular ship's course. She was built like any of the ferry-boats running between New York and Brooklyn. She had on board nothing contraband of war, or prohibited by law, unless it was the letters above referred to.

12. To the 12th interrogatory he says: There was no passport or sea-brief on board to my knowledge. She never made any other voyage than the one on which she was captured. New York was the last clearing port before capture.

13. To the 13th interrogatory he says: There was no cargo on board.

14. To the 14th interrogatory he says: I think a ferry company in Cuba owned the vessel. I cannot answer this interrogatory further.

15. To the 15th interrogatory he says: I cannot answer this interrogatory.

16. To the 16th interrogatory he says: There was no cargo on board.

17. To the 17th interrogatory he says: No bills of lading were signed.

18. To the 18th interrogatory he says: I had no interest in the vessel. No papers are in my possession showing any one's interest. I do not know whether or not there were any papers on board showing the interest of any person in the vessel.

115 19. To the 19th interrogatory he says: I cannot give the degree of latitude or longitude of the place of capture. There was no charter-party for the voyage. I have already answered the remainder of this interrogatory.

20. To the 20th interrogatory he says: I do not know what papers were on board when we left our last clearing port. None were at any time burnt, throw' overboard, destroyed or cancelled, or attempted to be concealed, except that some of the letters as before stated were concealed in the cabin under seats.

21. To the 21st interrogatory he says: At the time of capture I knew and I suppose our captain knew that the Southern coast was blockaded and that the South was at war with the United States. I knew this from the newspapers before I left New York.

22. To the 22nd interrogatory he says: I do not know whether or not Port Royal was under an order of blockade when our vessel entered. The blockading fleet was inside the harbor. No notice had been given to our captain that I know of, and no notice had been endorsed on our register to my knowledge or belief.

23. To the 23rd interrogatory he says: I have already answered this interrogatory.

24. To the 24th interrogatory he says: The vessel never, after
116 the blockade of any port and with notice thereof, attempted, covertly & secretly to enter or sail therefrom without success.

25. To the 25th interrogatory he says: She has never before been seized as prize.

26. To the 26th interrogatory he says: I have lost my time for two

months and a half, which I value at $35 per month, making my entire loss $87.50. I have been told that if the boat is cleared I shall be paid.

27. To the 27th interrogatory he says: I cannot answer this interrogatory.

28. To the 28th interrogatory he says: There was no cargo on board.

29. To the 29th interrogatory he says: There was no cargo on board.

30. To the 30th interrogatory he says: There was no cargo on board.

31. To the 31st interrogatory he says: I cannot answer this interrogatory.

32. To the 32nd interrogatory he says: The letters already mentioned were taken away from the vessel on the 1st of December, and on a day about two or three weeks after by Captain Saxton of the U. S. Army. I do not know where they now are.

33. To the 33rd interrogatory he says: There was no cargo on board.

117 34. To the 34th interrogatory he says: Two passengers—I do not know their names—were on board when we left New York; they were bound for Havana; they were segar-makers. They had no authority, directly or indirectly, in the vessel. They had no commission that I know of. At Georgetown the clerk of the Spanish consul already mentioned came on board, bound for Havana. I do not know his name. He had no commission that I know of. No person on board was secreted or confined. No citizens of any of the rebellious States were on board. There were ten Americans. The rest were Spaniards.

35. To the 35th interrogatory he says: I have not written or signed any letters or papers relative to the vessel or cargo. I cannot answer the remainder of this interrogatory.

36. To the 36th interrogatory he says: We were lying at anchor at the time of captnre. I have already answered as to our course throughout the voyage.

37. To the 37th interrogatory he says: I am unable to answer this interrogatory.

38. To the 38th interrogatory he says: No guns were mounted on the vessel. None of the articles herein enumerated were on board.

39. To the 39th interrogatory he says: I have already answered this interrogatory.

118 40. To the 40th interrogatory he says: The vessel captured never sailed under convoy.

41. To the 41st interrogatory he says: The vessel never made any other voyage than the one already described, nor attempted to enter any ports except those already mentioned.

42. To the 42nd interrogatory he says: The vessel never sailed with any commission as privateer, or with any letter of marque or reprisal.

43. To the 43rd interrogatory he says: The vessel never sailed or acted in company or concert with any vessel engaged in making prizes.

GEORGE W. KEARNEY.

(Formal verification.)

118½ (Indorsed:) Prize. 80. U. S. district court. The United States vs. The Nuestra Senora de Regla in prize. Copy. Depositions in preparatorio. E. Delafield Smith, U. S. att'y. Closed. Filed June 27, 1862.

119 Z.

Z.—H. H. E.

DEPARTMENT OF STATE,
*Washington, 6th May*, 1862.

To E. DELAFIELD SMITH, Esquire,
*Attorney of the United States*
*for the Southern District of New York:*

SIR: Noticing the arrival at New York of the Spanish steamer Nuestra Senora de la Regla, which was seized at Port Royal by General Sherman for an alleged illegal breach of neutrality, I now transmit the papers found on board of her, and an abstract of them which I caused to be prepared and which you may find useful.

I am, your obedient servant,
(S'd) WILLIAM H. SEWARD.

119½ (Indorsed:) Copy letter to dist. att'y from Sec. of State.

120 No. 1 (B).—H. H. E.

(Copy.)

HILTON HEAD, *Dec.* 2, 1861.

D'R MAJOR:

Several prizes have been taken in this vicinity recently, and it appears to me that the department should cause a court of admiralty to be located here. Com. Dupont has a prize here loaded with cavalry accoutrements, just the things we want down here.

If this steamer I have seized is confiscated she should be left here. She is just the thing we want, and admirably adapted to these waters and for our purpose. She is new and exactly such a boat as they have at the Jersey City ferry in N. Y. Will carry 1,000 men, and will draw not over 6 or 7 feet.

Yours, truly, & in haste,
(Sig'd) T. W. SHERMAN.

Maj. GARESCHE,
*A. A. Gen'l, Washington.*

(Indorsed:) No. 1 (B).—H. H. E.

121 No. 1 (C).—H. H. E.

(Copy.)

HEADQUARTERS EX. CORPS,
*Hilton Head, S. C., December* 2, 1861.

For General S. THOMAS,
*Adj't Gen'l U. S. A., Washington, D. C.:*

SIR: Having yesterday received information, of a sufficiently authentic character, that the Spanish steam ferry-boat Nuestra Senora de Regla, Reynals, master, which has been in this harbor for some days, had on board papers and despatches of the rebels, I ordered her to be properly searched, and found on board the letters and documents which I send to you under seal by Major Hewitt, paymaster, who is on his way to re-

port to the Paymaster-General. A man named Emilio Puig, said to be a resident of S. Carolina, and an employé heretofore of the consul at Charleston, found on board, is on his way to Cuba to expedite and push forward the plans of the rebel to henceforth run the blockade
122 and push supplies into S. Carolina, as the letters found on board and herewith, marked A, will show.

The letters and enclosures to A. F. Clifford, London, will speak for themselves.

The letter marked B on the envelope was found hid under the false bottom of a carpet-bag. The bag from the consul at Charleston to the captain general of Cuba was ripped open by the provost marshal without my authority, and probably through ignorance. Its contents have not been molested. I have arrested Emilio Puig. I have detained the steamer until orders are received from the department in regard to her for the following reasons: That after putting into Georgetown in distress, and being allowed to proceed on her voyage, she did not leave in good faith and her condition not in statu quo, she having received on board letters and despatches from the rebels and rebel government at Richmond that are treasonable in character and productive of
123 harm to the government, sufficiently to deprive the steamer of her n'utral character.

Emilio Puig was placed on board by the consul, ostensibly to replace a fireman, but the papers found show that he is there for quite a different object. His appearance and condition place him among a very different class of persons than the one he is intended to represent.

Very resp'y, y'r ob't serv't,

(Sign.) T. W. SHERMAN,
*Brig. Gen'l, Com'd'g.*

124 (Indorsed:) Hilton Head, S. C., Dec'r 2, 1861. Brig'r Gen'l T. W. Sherman reports seizure of a vessel with despatches, &c. Copy.

Respectfully referred to the Secretary of State.

L. THOMAS,
*Adj't Gen'l.*

125 No. 2 (A).—H. H. E.

H'DQ'RS EX. CORPS,
*Port Royal, S. C., Dec. 18th,* 1861. (Rec'd 28 Dec.)

The ADJUTANT GEN'L U. S. A.,
*Washington, D. C.:*

SIR: I have the honor to enclose herewith a report of the provost marshal, Maj. Beard, 4th N. Y. Vols., and also forward at the same the letters to which he refers.

It is proper to state that he delivered these letters to my headq'rs during my absence on a reconnoissance, and that they were opened by the act'g ass't adj't gen'l and chief q'rmaster, otherwise I should have forwarded them to you instead, inasmuch as the vessel had already been seized according to my letter to you of the 2nd inst.

Very respectfully, your ob't s'v't,

T. W. SHERMAN,
*Brig. Gen'l, Com.*

126 (Indorsed:) 1559 S. 1861. Port Royal, S. C. Dec. 18th, 1861.

T. W. Sherman, brig. gen'l vols., com'd'g ex., reports having discovered more letters and documents on board the Spanish ferry-boat N'tr S'ra de Regla, &c. Enclosure.

ADJ. GEN'L'S OFFICE, *Dec.* 28, '61.

Respectfully referred to the Secretary of State.

L. THOMAS,
*Adj't Gen'l.*

Rec'd (A. G. O.) Dec., 1861.

127 No. 1 (A).—H. H. E.

(Copy.)

HEADQ'RS E. C.,
*Port Royal, S. C., Dec.* 1, 1861.

The PROVOST MARSHAL:

It having been reported to me that there is a ferry-boat in this harbor purporting to be sailing under the Spanish flag, and containing papers and dispatches for the rebel government, you will with a proper guard board the same, examine into her charter, & ascertain by search if such is the case. In the event of finding any such papers on board you will secure the same, deliver said papers to me, and bring, also, the master of the vessel on shore to await my orders.

You will conduct your examination with great civility, propriety, and decorum.

Very resp'y,
(Sig'd) T. W. SHERMAN,
*Brig. Gen'l, Com'd'g.*

127½ (Indorsed:) Copy Gen'l Sherman's order to send & seize, Dec. 1, 1861.

128 No. 2 B.—H. H. E.

OFFICE PROVOST MARSHAL,
*Hilton Head, So. Ca., Dec.* 18, 1861.

GENERAL: I have the honor to report that when, on the 1st day of December, 1861, I, by your order, searched the Spanish ferry-boat N'tra S'ra de Regla for dispatches and other matter in aid and encouragement of the rebellion, I then in my report asserted that from the suspicious conduct of her master, Capt. Reynolds, and rumors that reached my ears, I had not been able to find all the letters and dispatches on board of her—that more were yet concealed on her. The corporal in charge of the guard on board of this steamer was instructed to make daily reports to me of the daily acts, words, and looks of the captain. From these reports and rumors which reached my ears I became satisfied that documents were concealed between the lining and the outside
129 of the boat. On the 17th, at 10 a. m., I took a carpenter with me on board the Spanish ferry-boat N'tra S'ra de Regla and proceeded to make a hole through the lining of the cabin in which the captain sleeps and eats, at a point about ten feet from the door, and near a table which was placed against the lining of the cabin. Finding nothing there, I had the table removed and another hole made in the lining or ceiling near the wheelhouse and about four feet distant from the first opening. On reaching through this hole, and down to the deck, I found the letters and documents which I now send you. These were evidently

dropped in through a small opening above and fell down till they reached the deck, and it is also evident that they were placed there believing it impossible to find them thus concealed, and it would
130 have been impossible for the captain, who surely placed them there, to get them out without making a hole through the lining or taking off a board, which they clearly designed doing when the boat reached Havana.

During the search the captain paced up and down the deck, betraying great agitation and clear evidences of complicity and guilt in the matter of the concealment of the documents thus discovered.

From the manner and place of concealment and the conduct of Capt. Reynolds, the captain of the Spanish ferry-boat N'tra S'ra de Regla, I have no hesitancy in saying that he placed the documents and letters found on board the steamer where I found them.

I have the honor, with respect, to be, your ob't serv't,

OLIVER T. BEARD,
*Maj.* 48 *N. Y. Vol., Provost Marshal.*

To Brig. Gen'l T. W. SHERMAN,
*Com'd'g E. C.*

(Endorsed:) 1559 S (A. G. O.), 1861.

A. No. 1.—H. H. E.

131 [Translation.]

CHARLESTON, *9th Nov.*, 1861.

Mess'rs CANET & GARBALENA, *Habana:*

DEAR SIRS: Without any of your esteemed letters to reply to we confirm *nor* precedent of the 25th October last past.

Since then nothing new has happened here more notable than the attack by the North American Notilla & marine expedition on Port Royal, distant from here about 60 miles, southwardly, and entering the port, as was expected, because there was nothing there but sand batteries to prevent them. Up to this time they have not returned to land, as was expected and desired by the Southern generals in command of our troops, it being the general opinion that on the instant of such invasion there would be a terrible combat, the Southerners being determined to perish rather than let them advance. The enthusiasm which
132 reigns here is immense. Business, as ever, paralized by the blockade, although vessels enter and pass out constantly, as a few days since there left from Savannah the English steamer Bermuda with a full cargo of cotton for Europe.

We recommend to your kind attention and friendship the bearer hereof, Mr. Emilio Puig, cousin of our Mr. Malga, who we hope you will regard as our friend. We shall be *great*ful for such attention as you may show him.

Yours, &c.,

HALL & CO.

A. No. 2.—H. H. E.

133 [Translation.]

CHARLESTON, *25th Oct.*, 1861.

Mr. J. MASERAS, *Havana:*

ESTEEMED FRIEND: To-day, when I must rely on a friend in your place, I remember your proffered friendship, and make use of it by very

earnestly recommending to you my cousin, Mr. Emilio Puig, who goes to your place and is the bearer hereof. I cannot do less than hope that you will show every attention to my said cousin while he may remain with you, advising him as he may need, and making advances, if he wants them, to the extent of sixty or seventy dollars, as in such case it is my part to meet them with entire punctuality and provision for them. In the belief that you will give the same attention to him as if I commended myself to you, I thank you by anticipation for all you may do, and be assured of my reciprocation.

134 If you are inclined to take some risk in running the blockade of our port, as many do, you can talk with my cousin, who will certainly return here in the same schooner by which he sails, on which he risks a cargo of some thousands, which if it arrives in safety you may calculate at immense profits, for there is an exceeding scarcity. In such event you may address consignments to me, and I will do for you what I ought and what our friendship demands. Now do as you think best, because notwithstanding the great profit there is, as well on tobacco as coffee, as the last is worth 750 a quintal, yet as there is somewhat of hazard about the operation I dare not advise you to make it.

My special regards to your wife and family in the name of mine. Leaving to my cousin to inform you of all that is occurring here and what may be done, I repeat that I am your affectionate friend & servant,

N. MALGA.

Remember me to Ylzarbe & family.

135 A. No. 3.—H. H. E.

[Translation.]

CHARLESTON, *9th Nov.*, 1861.

MY TOO LIGHTLY ESTEEMED FORET: Deprived, with the sorrow which you can yourself estimate, of your letters, I pass now to give you some advices, as I doubt not you will be anxious for them, being in the critical situation in which we are.

The war becomes every day more embittered, and consequently business transactions are every day more restricted, so that everybody suffers considerable losses. We for a year have had no arrivals, and expenses are terrible, as to live economically now requires thrice as much as before. Debtors do not pay, and, in a word, the situation of things is very hard. Four days ago the great North American expedition attacked Port Royal, about 60 miles to the southward, and naturally took possession of that port, which was only defended by two batteries of 28 guns, and, notwithstanding the inequality of force

136 and the batteries being only sand works, sustained a fire of five hours' duration, sinking two vessels. The object of the expedition is said to be the invasion of the South and the possession of Charleston, which, although not so easy, has caused great agitation here, some families flying away. Here you have me, friend Foret, surrounded by annoyances, and so vexed am I by circumstances that I would be already with you or in Spain if the blockade did not prevent me from risking the family, for to remain here, anxious, spending the little one has, and without hope of getting on, it would be better to place myself at a point where with your aid I might work and gain perhaps, something for the family. I have, however, formed the resolution that in case of an affective bombardment of the city I will see whether under the protection of our flag we are respected, and then go

with my family to your place, in which event, I doubt not I shall re'dily find an asylum, because, Foret, if I justly estimate the
137 character of the Southern people they will fight while a man remains, and the North can never subjugate them. I tell you that I have not ever seen equal enthusiasm, so I know reconciliation cannot be hoped for in any way, and I foresee a war of long duration.

My cousin, Emilio Puig, whom you already know, is the bearer of this. He has determined to go to your city, running the blockade for the purpose of trying on his return to do a good business in some articles which have reached enormous prices here, such as coffee, which is worth $50 a quintal; salt worth $10 a bushel; tobacco which sells at quadruple what it is worth, or costs, &c. I am satisfied, although I would not have taken such a resolution because the risk is sufficient notwithstanding vessels are continually ar'iving and going out, but I could not change his ideas, and he sails to-day. God speed him; for if they catch him the sorrow it would cause me and his parents, also, may even now be estimated. I commend him to you, Foret, in every
138 point of view; advise and serve him as if it were myself, and if he wants money, whether $70 or $100, give it him and I will satisfy you. What you may do for Emilio I shall consider as my own affair. He will apprize you of all that is occurring here, of my actual position, and all you may desire to know.

Circumstances have been such that a dissolution of the house or a division of it has not taken place, but notwithstanding I have had great annoyance, Foret, and believe me I am anxious to see the day of my liberation from it. William Hall, my brother-in-law, is in the country, also perplexed and not knowing what to do, not able to go to the North, not knowing whether his interests with Rivera are not confiscated, as they have confiscated a vessel of ours. In a word, the poor fellow is also much troubled, and don't know which way to turn. Aunt Frances and the little ones are well, but she much frightened and desirous to get out of the country, to which truly I have only come to encounter annoyances, losses, and exposure to the consequences of war.

139 The little girl is called Josefa—as I suppose you have received memo. of the 1st August in which I mentioned that Francesca had given birth to her, although in this disorder and lack of communication much correspondence miscarries.

Francesca continually speaks of you all, and laments not being at Bilou's side, away from this storm of war.

Give in our name an embrace to Mad'e Antonia, and to the little one's besides, and for yourself doubt not how much he desires to see you, or receive news of you who is your most affectionate brother and embraces you.

VICTOR MALGA.

140 A. No. 4.—H. H. E.

[Translation.]

CHARLESTON, 25*th October*, 1861.

Mr. S. VILA, *Habana:*

ESTEEMED FRIEND: To-day I propose to make use of your friendship and take the liberty to commend to you very strongly the bearer, Mr. Emilio Puig, who, being my cousin, I esteem with all my heart. I hope and wish, therefore, that during his stay at your place, you will aid

him in everything, and in the event of the young man wanting some money, I shall take it as a favor if you will advance it on my account to the amount of sixty or seventy dollars, which, in such case, I will repay the first opportunity.

Here, such as we are in respect of commerce, we are vagabonds, for the blockade holds us with our hands completely tied, obtaining some articles of importance, such as tobacco, coffee, sugar, medicines,
141 at enormous prices. Coffee is now worth 50 cents the pound, so that such of the article as reaches the port in safety triples its cost. If you mind to make an adventure on a small scale and have the luck to get in, the profit is sure, but as there is a risk, I do not venture to advise it. In the belief that you will attend cordially and punctually to my recommendation, I thank you in advance for what you may do for him, and be assured of my full reciprocity, and hoping that present circumstances may pass away to begin a fresh business with you, I reiterate that I am y'r affect. friend,

N. MOLQUE.

I am not more full, because I leave it to my cousin to inform about all here.

142 A. No. 5.—H. H. E.

[Translation.]

CHARLESTON, 9 *November*, 1861.

Mr. ANTONIO RUBIVOSA, *Havana:*

DEAR SIR: Without any of your favors to which to refer we pass on only to present to you the situation of our market, which is dreadful, for there is nothing to do, through lack of exports or imports in which we find ourselves; some provisions have risen to enormous rates, as coffee at $50 the quintal; salt brings $10 the bushel; winter goods, lead, munitions of war are also worth very great prices, so that whatever vessels have run the blockade have realized fabulous profits. It is said to-day that the great Northern fleet has attacked Port Royal about 60 miles to the southward, and as is already expected entered that port. The Southern army now stationed there only awaits the disembarkation and invasion to receive them bravely, and accord-
143 ing to the enthusiasm existing here it is believed there will be a desperate fight. In the end we shall see.

We would desire that our affair and transactions with Masovra should not be forgotten, as we know your influence over Mr. Rivera, and that of the last, we expect a fortunate result from them; meantime bear the matter in mind.

We commend to your kind offices and attentions the bearer of this, Mr. Emilio Puig, who, having always been with us, and being also the cousin of our Mr. Malqa, merits from us all sorts of kindness you may show him, for which accept our thanks by anticipation.

We reiterate our affect. respects.

HALL & CO.

144 A. No. 6.—H. H. E.

[Translation.]

CHARLESTON, 9 *Nov.*, 1861.

Messrs. RIGATT, CARDET & CO., *Habana:*

DEAR SIRS: Since our last of the 5th, which we confirm, nothing has happened here except that the great Northern naval expedition attacked

Port Royal about 60 miles from here, having, as was expected, taken possession of the port, but without having as yet ventured a disembarkation, for which event an army has come on which is daily increasing, and it is believed will rout them as soon as they the enemy effect an invasion.

For the rest all remains in statu quo. Commerce being paralyzed, and many articles which are scarce have already reached enormous rates, such as coffee, salt, &c., &c. Under these circumstances we propose to you as follows:

The impossibility of placing funds at your port, since it is im-
145 possible to do so by bills on England, and having no vessels to remove this difficulty with rice, has till now upset the plan we had formed for one of our firm to go over for the purpose of sending under the Spanish flag two expeditions, one of salt the other of coffee and other articles, which, by running the blockade, would enter some one of the ports on our coast, for which combination we had already got many to subscribe for shares in those expeditions, and entertaining the hope that under a like system of share holding you could easily obtain there sufficient capital to carry it out; we hoped that you would attempt it with activity and zeal, and would immediately give us your views, and what advances you made with the scheme, so that in case you could realize it, then to send you a good manager or two who we already hold engaged, and thus without further difficulty we could count upon the good result of the operation. The shipment of salt we may suppose could be easily arranged, being of small value, and the profit here, great as it is to-day, worth $10 a bushel without any
146 difficulty. Coffee is worth $50 the quintal; that is what in one venture would pay well, as well as tobacco, medicines, lead in pigs, woollen textures, powder, table oil, &c., which articles should fill up the vessel in case of getting shares enough taken. We leave it in your hands to operate with the energy which the case needs, as well as to choose the cargo of salt only, or that of coffee & other articles, or for both. For our part we are ready to go in for $2,500 if insurance can be had with you against war and sea risks, and, if impossible, to assure against war risks, then we lesson our interests to $1,000, and, if enough, to $600, not through fear of its not arriving safely, but because, under existing circumstances, it is necessary to be prudent, the enemy being so close to us. Write at once and without fail what can be done, and without delay you shall have one of the managers with you, if your views are favorable.

The accompanying letters for Spain and Europe we beg you to forward by first opportunity, charging us the postage in account.
147 The bearer, Mr. Emilio Puig, is strongly commended to your attention as our friend, in which behalf we thank you in advance; he is a youth of excellent qualities.

With lively anxiety to hear from you, we are your affect. friends,

HALL & CO.

We add exch. c. 3 d's, No. 1219, for $100, a/c of Mr. Moncada, whom we advise thereof, Nov. 5, current.

(Indorsed:) A. Translation of 1 to 6, inclusive.

148 A, No. 7.—H. H. E.

CHARLESTON, *Nov. 11th*, 1861.

MY OWN DARLING CETA: Having another chance to write you a few lines, I embrace the oppertunity with that joy and pleasure which words

are inadiquate to express. This, Ceta, will be handed you by a captain of a Spanish steamer, who is a friend of a friend of mine here, and entirely through my friend's kindness he has consented to take this on and deliver it to you. Like the rest of my oppertunities of writing you lately, my time is limited, so you must excuse briefness, as I must only tell you a few particulars which I know you would like to know.

This, then, leaves me well and in good health. Are you the same, my darling? God grant that you are, my pet, as well as all your folks. Mr. Chas. Antonio is here, and leaves for Savannah this morning; he dined with me yesterday (Sunday). He is well and in good
149 health; he told me some of the particulars of his escape from K. W.; it was quite a narrow escape for him; I have not the time now, my pet, to give you the particulars of what he told me; suffice to know that he is safe and all right; he says that he has an appointment in the Confederate service, given him through Wm. Mallory. He goes to Savannah to meet a friend of his and go on to Pensecola, Fla.

The times here are awful; nothing much doing. We expect to have the war in our State pretty soon, and then there will be "fighting," for the Carolinians hate Yankees, and they in return hate us. I hope, though, my pet, that all will yet be well, and soon end these our present difficulties; until then, my Ceta, we must be patient, trusting in God, who never forsakes us if we are faithful. I hope, darling, that I may safely pass through any engagement that we may have with enemy, praying to God to spare me for your sake. I only wish to live for you, my precious and loving one. I cannot write much, darling, my heart
150 is too full, and time short. If this should be my last—O, darling, I hope not. (I trust and pray that I may see your sweet face once more, with the blessing of God.) Good-bye, may God continue to bless you to the end, is the prayer of him who loves you truly and sincerely.

Remember me to your kind mother and father, also to Mr. Pinkny and family, and all inquiring friends. All here send their love to you, and beg to be remembered. Again, my Ceta, good-bye.

Your true love,

LAWRENCE.

P. S.—I rec'd a letter from Miss Wathington a few days since, and all was well.

In envelope addressed: "Emilio Puig, esq., c. o. Spanish consul, Charleston, So. Ca."

151 CHARLESTON, *Nov.* 14*th*, '61,

Miss CETA:

This will introduce to your kind attention my friend, Wm. Puig, from Cuba. Any courtesy shown him by yourself and friends will be appreciated by

Your affectionate

L. LESTER SIDDONS.

P. S.—My friend will hand you a letter.

L. L. S.

In envelope addressed: "Emilio Puig, esq., c. o. Spanish consul Charleston, So. Ca."

152 B, No. 1 (1).—H. H. E.

CONFEDERATE STATE OF AMERICA,
*Charleston, So. Ca., 13th Nov.*, 1861.

Mr. JAS. SMITH,
*Manager Bank of Liverpool:*

DEAR SIR: We take advantage of this opportunity to hand you the enclosed letter from the Bank of South Carolina, which we trust will be sufficient introduction, and lead to a profitable business intercourse to both parties. At present our Mr. Colin, the senior partner of the firm, desires to place a small amount at his credit in your bank, and hands enclosed first of sight exchange on Mess. Baring Brothers & Co. (Nos. 30 & 31) of your city, drawn by the Insurance & Banking Company of Augusta, Georgia, and endorsed by A. M. Lee, agt., and B. M. Lee, cashier, each for one thousand pounds.

Please collect the same, and place the amount to the credit of Mr. Henry Cobia, in your bank, and when wanted he will check upon
153 you. Below you have his signature.

Very respectfully, your ob'd't s'r'ts,

HENRY COBIA & CO.

Signature of Henry Cobia.

Above letter in envelope addressed: "Mr. James Smith, manager of Bank of Liverpool, Liverpool, England."

154 B, No. 1 (2).

BANK OF SOUTH CAROLINA,
*Charleston, 13th Nov.*, 1861.

SAMUEL SMITH, Esq.,
*Manager Bank of Liverpool:*

DEAR SIR: Messrs. Henry Cobia & Co., merchants of this city, desire to open a business connection with your institution.

The senior partner is one of the directors of this bank. Their house enjoys unlimited credit throughout this section of country. Their transactions are very extensive, far beyond that of other mercantile concerns in this city with one or two exceptions, and they have ample means for conducting their business. I cheerfully recommend them to your favorable notice.

I am, very respectfully, your ob't serv't,

WM. C. BREESE, *Cash'r.*

In envelope addressed: "Mr. James Smith, manager bank of Liverpool, Liverpool, England."

(Indorsed:) B, No. 1, H. H. E. (1, 2, 3, & 4).

154½ B, No. 1 (3).—H. H. E.

OFFICE OF AUG. INS'E & BANKING CO.,
*Augusta, Ga., Oct. 23rd*, 1861.

Exchange for £1,000.

At sight , after date of this first of exchange, second &

third unpaid, pay to the order of Robert Walton, cashier, one thousand pounds sterling, value received, and charge the same to account of this company.

No. 31.

WILLIAM J. OWENS, *Prest. pro tem.*

To. Messrs. BARING BROTHERS & Co.,
*Liverpool, England.*

(Across the face:) One thousand pounds sterling.

(Indorsed:)

Pay to the order of A. M. Lee, agt.

ROBERT WALTON, *Cash.*

Pay B. M. Lee, cashier, or order.

A. M. LEE, *Agt.*

Pay Henry Cobia or order.

B. M. LEE, *Cashier.*

Pay Mr. Jas. Smith, manager Bank Liverpool, or order.

HENRY COBIA.

155 B, No. 1 (4).—H. H. E.

OFFICE OF AUG. INS. & BANKING Co.,
*Augusta, Ga., Oct. 23rd*, 1861.

Exchange for £1,000.

At sight , after date of this first of exchange, second & third unpaid, pay to the order of Robert Walton, cashier, one thousand pounds sterling, value received, and charge the same to account of this company.

No. 30.

WILLIAM J. OWENS, *Prest. pro tem.*

To. Messrs. BARING BROTHERS & Co.,
*Liverpool, England.*

(Across the face:) One thousand pounds sterling.

(Indorsed:)

Pay to the order of A. M. Lee, agt.

ROBERT WALTON, *Cash.*

Pay B. M. Lee, cashier, or order.

A. M. LEE, *Agt.*

Pay Henry Cobia or order.

B. M. LEE, *Cashier.*

Pay Mr. Jas. Smith, manager Bank Liverpool, or order

HENRY COBIA.

156 B, No. 2 (1).—H. H. E.

CHARLESTON, S. C., *Nov.* 13, 1861.

MY DEAR CHARLIE: I enclose herewith a sterling bill for £187 10*s.* 0 (second), which I would be much obliged if you would remit proceeds of

to Monsieur Sillig Bellerive, Vevey, Switzerland, on account of my boys. I send "third" also to you by the Isabell, which will leave here in a few days. The "first" I shall take with me by another route unmentionable for prudential considerations.

Hoping in a few weeks to see you, and thanking you in advance for your kindness, I am, very ruly, your friend,

BEVERLY TUCKER.

CHAS. R. PREVLEAN, Esq.,
*&c., &c., &c., Liverpool.*

In envelope addressed: "Charles K. Prevlean, esq., of Messrs. Fraser, Trenholm & Co., Liverpool, England."

(Indorsed:) B, No. 2.

157 B, No. 2 (2).—H. H. E.

No. 5252.] BANK OF CHARLESTON, SOUTH CAROLINA,
*Nov. 13th*, 1861.

Exchange for £178 10*s*. 0.

Sixty days after sight of this second of exchange, first, third & fourth of same tenor and date unpaid, pay to Beverley Tucker, or order, one hundred & eighty-seven 10*s*. 0 pounds sterling, in London, value received, which place to account.

CH. K. SASS, *Prest.*

TO BANK OF LIVERPOOL, *Liverpool.*

(Indorsed:)
Pay Fraser, Trenholm & Co., Liverpool.

BEVERLY TUCKER.

158 B, No. 3.—H. H. E.

CHARLESTON, S. C., *Nov.* , .

MY DEAR SON [in pencil: SIR]: I have remitted you by two different routes "second" and "third" bill of exchange (sterling) for £187 10*s*. 0, and in case of accident I retain the "first" which I bring with me by a more safe way.

I am en route for Europe, and hope to be with you and my dear boys in Christmas week, when I shall be prepared to pay all my arrears and to thank you in person and with tears of gratitude for your great kindness to my darlings. This is the first time I have deemed it safe to make a remittance even in the most guarded manner.

Present my best compliments to madame, and believe me your *greatful* and obliged friend,

BEVERLY TUCKER.

Monsieur SILLIG, *&c., &c., Verry.*

159 N. B.—I have sent the bill through the house of Messrs. Fraser, Trenholm & Co., Liverpool.

Please consider the end of the present year the expiration of the time of my boys at your excellent school. Their mother is so anxious to have them with her that I have yielded to her entreaty to bring them home.

B. T.

In envelope addressed: "Monsieur Sillig Bellerive, Vervy, Switzerland."

159½ (Indorsed:) B, No. 3.—H. H. E.

160 B, No. 4 (1).—H. H. E.

CHARLESTON, S. C., *Nov.* 13, 1861.

MY DEAR GIFFORD: I am thus far on my way to you. Prudence forbids my naming the route.

I send you a copy of a most valuable order from the ordnance dept., and by another opportunity a duplicate of the same. I have retained the original to bring with me.

God willing, I will reach you Christmas week. The two routes by which I send you these I cannot mention. I have also sent you an order from Purcell, Ladd & Co., and accompanying papers explanatory. This can be pos'poned till I reach you unless I should be longer than I hope. I have the original. I will send you, also, a duplicate of the same by another route.

God bless you & bring us safely & soon together for good. All well at your home.

Yours, affec'ly,

B. T.

Also, find copy of important letter from the Sec'y of Treasury in reference to cotton, &c., &c., which will be useful to you in your negotiations.

B. T.

In envelope addressed: "A. F. D. Gifford, c. o. of George Peabody & Co., bankers, London, England."

(Indorsed:) B. No. 4 (1).—H. H. E.

161 B. No. 4 (2).—H. H. E.

(Copy.)

ORDNANCE OFFICE,
*Richmond, Va., Nov. 3rd,* 1861.

BEVERLY TUCKER & A. F. D. GIFFORD:

GENTLEMEN. You are authorized to furnish this department with the following articles, viz:

10,000 Enfield rifles and bayonets, or approved rifles with bayonets of other description.
5,000 carbines.
5,000 cavalry sabres, mettal scabbards.
2,000 revolver pistols (Colt's or Dean & Adams).
200 tons saltpetre.
50 " sulphur.
50 " cannon powder.
50 " rifle powder.
1,000 lbs. gum shillac.
1,000 " " copal.
1,000 emory, assorted sizes.
50 reams emory-cloth, ass't'd.
Screws, ass't'd.
Files, "

Any or all the above will be received if delivered before April
162 1st, 1862, for which you will be paid as follows: For saltpetre, 35c. per lb.; for sulphur, 10 cts. per lb.; for all the other articles (125) one hundred & twenty-five per ct. advance on the invoice price when delivered within the Confederate States, payable one-third Confederate bonds, balance current funds.

It is stipulated that the above-named articles shall be of approved quality and workmanship both as to the arms and materials.

It is also stipulated that this order shall terminate on April 1st, 1862, except as to such articles as shall be shown to be actually in transit at that date.

J. GORGAS,
*Lt. Col., Chief of Ord.*

We accept the above order with its provissions.

BEVERLY TUCKER.
A. F. D. GIFFORD,
By BEVERLY TUCKER.

Envelope addressed: "A. F. D. Gifford, c-o George E. Peabody & Co., bankers, London, England."

162½ (Indorsed:) B, No. 4 (2).—H. H. E.

163 (Copy.)

TREASURY DEPARTMENT,
*Richmond, Nov. 5th*, 1861.

BEVERLEY TUCKER, Esq., *Richmond:*

SIR: Your letter of the 4th instant is received, in which you request an assurance that a return cargo of cotton will be allowed by the government to be shipped in vessels which may bring from a neutral army supplies, and other important goods, for the use of the Confederacy. I beg leave to inform you the government has never sanctioned any opposition to such return cargoes, and it seems to me that where objection has been made by individuals or local boards it has been under a mistaken [view*] of the true policy of our government, and will not be persevered in. I have the pleasure of informing you that at Savannah, where some difficulty arose, it has been removed, and the Bermuda has sailed with a cargo of cotton. The only limitation which has
164 been recognized by the government has been in the shipment of naval stores and in articles contraband of war. In such case some assurance was required that the articles would not fall into the hands of enemies' vessels blockading the shipping port.

Respectfully, your ob't s'v't,

C. G. MEMMINGER,
*Sec't'y Treas.*

B, No. 4 (3).—H. H. E.

In envelope addressed: "Messrs. Beverly Tucker & A. T. D. Gifford, Richmond."

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* In pencil in the original.—PRINTER.

(Copy.)

*General directions for the purchase and shipment of goods for Purcell, Ladd & Co., Richmond, Va.*

We desire all articles of drugs, medicines, and chemicals to be of best and purest kinds. Where a particular brand of any article is designated, that is preferred; but when not to be had, another
165 brand of the same article, if of equal quality, may be substituted.

In the purchase of indigo, soft Madras of good quality is wanted. Of madder, good "Ombro" is wanted. Quantities specified are not arbitrary; an approximation will be satisfactory. When we say "barrels" we intend packages about the size of an American flour-barrel; when the term "cask" is used it is intended to have such packages as the articles are usually put up in by the manufacturers, supposed to be larger than barrels. When a specific number of pounds is mentioned of any article, it is desired to have it in bulk, and to have only such articles in bottles or vials as stated in our memorandum, unless there should be an evident oversight which would readily be detected by an intelligent adept. When the goods arrive at a Confederate port we are to be promptly informed by telegraph and by mail. Goods to be insured in London or Liverpool for ⅞ of shippers.

B, No. 4 (6).—H. H. E.

In envelope addressed: "Messrs. Beverly Tucker & Co. & A. T. D. Gifford, Richmond."

(Indorsed:) B, No. 4, containing No'. 4 & 6.

166 B, No. 4 (4).—H. H. E.

(Copy.)

RICHMOND, *Nov. 7th*, 1861.

Messrs. BEVERLY TUCKER & A. F. D. GIFFORD:

GENTLEMEN: We hand you herewith our order for drugs, medicines, dyestuffs, &c., &c., which we desire you to have filled for us on the most favorable terms.

Being strangers in the market to which this order goes, we accompany it with letters from the president and cashier of the Bank of Virginia, and our friends Mess. Jno. & James K. Caskie, showing our standing here as merchants, and our willingness to meet any engagement we may assume. These goods here ordered by us when delivered in any port of the Confederate States will be promptly paid for, in a currency that can purchase a return cargo if desired.

We presume that the shippers will send an agent or supercargo with each steamer, who will be authorized to receive payment for the goods sent to us.

Whilst we consider the damages [dangers*] beyond the chances
167 of ordinary shipments which can be as usual provided against by insurance extremely slight, yet we desire to remind you that we assume no risk in the shipment, or whilst in transit of these goods ordered by us, until their delivery in good order in some port or ports of the Southern Confederacy.

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*In pencil in the original.—PRINTER.

We are thus particular, gentlemen, not because of any fear of misunderstanding should these matters be left ultimately to our settlement, but that this being simply a matter of business we treat it with particularity as such.

We also accompany our order with "general directions" for the purchase and shipment of the goods, as regards quality, packages, &c.

Very respectfully yours,

PURCELL, LADD & CO.

In envelope addressed: "A. F. D. Gifford, esq., c–o of George Peabody & Co., bankers, London, England."

167½ (Indorsed:) B, No. 4 (4).—H. H. E.

168 (Copy.)

This agreement, made and entered into this 7th day November, 1861, Beverly Tucker and A. F. D. Gifford of the first part, and Purcell, Ladd & Co. of the second part, witnesseth:

That for a valuable consideration, the receipt of which is hereby acknowledged, said Beverly Tucker and A. F. D. Gifford agree to purchase in some European market goods or merchandize, consisting of drugs, medicines, dyestuffs, chemicals, &c., as per inventory or memorandum. Duplicate copy marked S in red ink & acknowledged to be the memorandum referred to herein, by both parties to this agreement, having been delivered to Beverly Tucker, one of the parties to this, and another copy of the same memorandum likewise marked A in red ink and acknowledged in like manner as the other two, being retained by Purcell, Ladd & Co.

And the said Tucker & Gifford do hereby promise to use their most diligent exertions in the purchase and shipment of the goods ordered by Purcell, Ladd & Co., as per above mentioned memorandum, and
169 they hereby agree and contract to purchase the goods at the current market rates, and to deliver them in some one of the ports of the Southern Confederacy, at actual cost and charges, before the 10th of March, 1862, and if not delivered before the 1st day of April, 1862, the order to stand void at the option of Purcell, Ladd & Co., provided the goods arriving after the 1st day of April had not been shipped previous to the 15th day of March, 1862.

And it is furthermore agreed and understood that Mess. Tucker & Gifford are to divide the shipment of Purcell, Ladd & Co.'s order, so that an equitable portion of their goods shall come forward in each steamer bringing goods for the Confederate Government, beginning with the first ship, and continuing till all are shipped.

And it is hereby agreed and understood, that upon the delivery of the goods in any one of the ports of the Confederate States, to Purcell, Ladd & Co., they are to pay in current funds the value of the invoices, with charges of freight and other necessary expenses on same;
170 but it is agreed and understood by both parties to this agreement, that Purcell, Ladd & Co. assume no risk of the goods during their transit, or at any time till their arrival and delivery to them in good order.

It is understood and agreed by Purcell, Ladd & Co. that no matter what changes of value in goods which may take place on account of the raising of the "blockade" or other causes, they are bound to receive

the goods, in the same manner as though no such change had occurred, when delivered according to the terms of this agreement.

Witness:

BEVERLY TUCKER.
A. F. D. GIFFORD,
By BEVERLY TUCKER.
PURCELL, LADD & CO.

B. No. 4. (5).—H. H. E.

In envelope addressed: "Mess. Beverly Tucker & A. F. D. Gifford, Richmond."

(Indorsed:) B. No. 4 (5).—H. H. E.

171 B. No. 4 (7).—H. H. E.

*Memorandum of drugs, medicines, dye stuffs, &c., &c., for Pursell, Ladd & Co., Richmond, Va.*

25 cases Madras indigo.
10 casks ombro madder.
10 flasks quicksilver.
5 casks bichromate potash.
200 kegs bichrb. soda, Lee's or Jarrow's.
2 casks prussiate potash.
10,000 lbs. extract of logwood, solid assorted packages.
500 " calomel 1 lb. bottles, Howard & Kent's.
500 " blue mass, Hening Brothers.
200 " pure inoderous glycerine, Price's (1 lb. bottles) made by Price's Candle Co., London.
10,000 " Epsom salts.
2,500 ounces sulphate quinine in 1 oz. vials.
100 " sulphate morphia " $\frac{1}{8}$ " "
200 lbs. iodide potassium, Adkissins & Biggens, 1 lb. bottles.
10 casks soda ash, best.
10 " bleaching powder, best.
10,000 lbs. copperas.
10,000 " alum.
5 cases, 150 lbs. each, Turkey opium.
250 lbs. powdered " " pure.
10 cases carbonate magnesia, 2 oz. squares, each square in paper (Jennings, Cork).
172 5 cases ground mustard in 7 lbs. tins, Coleman's.
60 dozen " " " $\frac{1}{2}$ " bottles.
36 " " " " 1 " "
1,500 lbs. white sugar of lead.
500 " chloroform, in 1 lb. bottles.
100 " powdered Socotrine aloes.
2 ceroons best Mexican cochineal.
10,000 lbs. terra Japonica.
5,000 " caustic soda, in 1 lb. cans.
1 gross bolur knives, each 3, 4, 5, 6, & 8 inch.
$\frac{1}{2}$ " " " " 10 & 12 inch.
5 casks blue vitriol sulph. copper.
500 lbs. mercurial ointment, $\frac{1}{3}$ mercury.
100 ounces citrate of iron & quinine, 1 oz. vial.
1,500 lbs. powdered tartaric acid, pure.
500 ozs. tannic acid in 1 oz. vials.

1 cask calcined magnesia, in 1 lb. tins or bottles.
100 lbs. white twine, small.
100 " brown " large. } All flax, for druggists & apothecaries' use.
100 " white thread.
50 " balsam tolu.
4 cans pure oil lemon, Scicily.
2 casks Cox's gelatine, in 2 oz. packets, put up by Cox of Edinburgh.
100 lbs. sulph. zinc.
200 " powdered sulph. potash.
100 " citrated kali, Mander & Co,, Wolverhampton.
173 25 lbs. extract hyosciamus, solid, Allen's, 1 lb. jars.
25 " " belladonna " " 1 " "
50 " " taraxacum " Herring's 1 " "
50 " " do. " Allen's 1 " "
26 " " conicum " " 1 " "
50 " " gentian " " 1 " "
100 " " colocynth comp. powdered " 1 lb. bottles.
2,000 papers nested pill boxes, paper.
1 bale English rad. valerin.
2 casks chammonile flowers.
50 ozs. iodide of lead, in 1 oz. vials.
50 " per chloride of iron, in 1 oz. vials.
50 " chloride of zinc " 1 oz. "
10 lbs. powdered squill root, 1 lb. bottles.
15 " oil cubebs 1 lb. bottles.
100 " sub. nit. bismuth, 1 lb. bottles.
100 " bicarb. potassa 1 " "
60 " croton oil, 24 oz.
200 " fresh ergot,
250 ozs. benzoic acid.
4 carboys acetic acid fortis (No. 8.)
1 case squill root.
1 ceroon yellow cinchona bark, quill.
100 lbs. powd. " " "
1 ceroon calisaya bark, quill.
2,500 lbs. powdered cream tartar, pure.
5 kegs, 1 cwt. each (dry), citric acid, in crystals.
10 barrels refined camphor.
174 10 cases refined borax.
10 barrels " do.
100 bags black pepper, sifted Singapore.
10 barrels bleached Jamaica ginger root.
50 bags East India " "
5 " white mustard seed.
5 cases gum shellac, medium quality.
12 kegs emery, 4 kegs each of the three finest grades, including flour.
100 cases East India castor oil, best quality, light color.
500 gallons olive oil, not of best quality but clear and light color.
100 cases, 1 doz. each, olive oil, qts, Marseil'es or Nice.
50 " 1 " " do. Bordeaux or Tuxany salad oil.
10 barrels fine refined saltpetre.
2 cans oil bergamot, pure.
2 barrels pure balsam copaiva.
50 lbs. pure oil of cloves.

3 cases East India rhubarb root.
500 lbs. " " do. powdered.
25 " powdered Turkey do 1 lb. bottles.
1 cask sulphuret antimony, black, a small cask.
1 bale arnica flowers.
2 casks sublimed sulphur.
5 barrels powdered African cayenne pepper.
175 500 lbs. chlorate potass.
50 bushels seed, canary (bird seed).
5 bags cubebs.
100 boxes red-mottled Castile soap, Marseil'es.
5 cases best white picked gum-arabic.
5 " 2nd " " " "
200 lbs. powdered ipecac root.
500 " mace.
500 " nutmegs.
25 " oil wormseed.
10 gross seidlitz powders, in tin boxes.
1 bale orange peel.
12 doz. brown cantharidal tissue.
50 lbs. nitrate strentia } for pyrotechnic purposes.
25 " chor. barytes }
1 case Henry calcined magnesia in vials.
5 kegs or dozen chamois skins.
1 gross physician's scales & weights, in wood boxes.
1 bale gentian root.
200 lb. powdered cantharides.
5 kegs prepared chalk in drops.
20 lb. powdered iron (iron by hydrogen).
500 " precipitated carbonate of iron.
500 " gals. rape-seed oil, refined.
5 gross glass p. syringes, assorted sizes.
3 dozen glass graduated measures, 1 oz.
176 3 dozen glass graduated measures, 2 oz.
3 " " " " 4 "
2 " " " " 8 "
25 lbs. re-sublimed iodine, 1 lb. bottles.
1 bale velvet bottle corks, about 200 gross.
500 gross velvet vial corks, assorted sizes.
700 lb. aqua ammonia, F F F, put up in carboys of about 70 lbs. each.
+20 lbs. pure lunar caustic, in sticks or cylinders.
50 jars carbonate ammonia, in jars 21 lb. each.
+700 lbs. spirits nitre dulcis, F F F, put up in carboys of about 70 lbs. each.

176½ (Indorsed:) B No. 4 (7.) H. H. E.

177 RICHMOND, *7th Nov'r*, 1861.

Messrs. SAURIE, SOMERVAIL & Co.,
*Glasgow, Scotland:*

GENTLEMEN: It gives us pleasure to introduce to your acquaintance our friend and neighbors, Mess. Purcell, Ladd & Co., a highly respectable house, largely engaged in the importation of drugs, chemicals, &c., &c. The concern is one of undoubted responsibility, and confidence may be had in their ability to meet their business engagements.

Cordially recommending them to your kind consideration, we are with respect, your ob't s'v'ts,

JNO. & JAS. K. CASKIE.

B No. 5.—H. H. E.

Addressed on the back: "Messrs. Saurie, Somervail & Co., Glasgow, Scotland. Introducing Mess. Purcell, Ladd & Co."

(Indorsed:) B No. 5.—H. H. E.

178 RICHMOND, *7th Nov'r*, 1861.

Messrs. C. R. SOMERVAIL & Co.,
*London:*

GENTLEMEN: It gives us pleasure to introduce to your acquaintance our friends and neighbors, Messrs. Purcell, Ladd & Co., a highly respectable house, largely engaged in the importation of drugs, chemicals, &c., &c. The concern is one of undoubted responsibility, and confidence may be had in their ability to meet their business engagements.

Cordially recommending them to your kind consideration, we are with respect your ob'd't s'v'ts,

JNO. & JAS. K. CASKIE.

B No. 6.—H. H. E.

Addressed on back: "Messrs. C. R. Somervail & Co., London. Introducing Messrs. Purcell, Ladd & Co."

(Indorsed:) B No. 6.—H. H. E.

179 B No. 7.—H. H. E.

*Invoice cargo naval stores, shipped to Queenstown, England, p'r Br. brig Robert Bruce, Wm. Muir, master, purchased by order and for account and risk of Mr. William Gough, of Bristol, England.*

1861.

| | | | | |
|---|---|---|---|---|
| Sept. 23. | 688 cks., sp'ts turp't | 29,973½—688=29,285½ gls. 30 c | | 8,785 65 |
| | 72 " " " H S | 2,988²—72= 2,916² " " | | 874 95 |
| | 106 " " " S & H | 4,729⁸—106= 4,623³ " " | | 1,387 05 |
| | 125 bbls. pale rosin | =130²⁵/₂₈ bbls. @ $3.75 | | 490 55 |
| | 292 " com. " | @ 60c | | 175 20 |
| | P'd lighterage 270 casks @ 5c | | 13 50 | |
| | " cooper delivering | | 3 — | |
| | " half, weighing 125 bbls. rosin | | 1 25 | |
| | " storage sp'ts, $34.64, rosin, $12.51 | | 47 15 | |
| | " ins'r. ag't fire | | 72 — | 136 90 |
| | | | | 11,850 30 |
| | 5% com'ss'n | | | 592 52 |
| | Due 23d Sept'r, 1861 | | | 12,442 82 |

E. E.

WILMINGTON, N. C., 18th Nov'r, 1861.

(Indorsed:) B No. 7.—H. H. E.

180 B No. 8.—H. H. E.

WILMINGTON, N. C., *26th Nov'r*, 1861.

Exchange for $586 1/00.

Thirty days after date of this first of exchange (second & third unpaid, pay to the order of Mess. J. & D. Mackae & Co. five hundred and

eighty-six & $\frac{41}{100}$ dollars, value received, and charge the same to account of Br. brig't. Majner & owners, under com'd of y'r old serv't,

JOSEPH CREIGHTON.

To Mess's MACLEAN, MAVIS & Co.
*No. —, London, England.* (1)

(On the margin:) J. & D. Macrae & Co.

(Indorsed:) B No. 8.—H. H. E.

Mess. Maclean, Mavis & Co. will please collect and place to our credit in a/c.

J. & D. MACKAE & CO.

181 C No. 1.—H. H. E.

CHARLESTON, 12 *Nov.*, 1861.

Mess. RIGAL, DARDET & Co.:

GENTLEMEN: Hoping that you have received my previous letters I now enclose second of exchange to be invested in a check on New York, and sent to Mrs. Ann W. Neal, Newark, New Jersey, U. S., by steamer from your post.

Regretting that I should give you so much trouble, I remain, very respectfully,

JNO. C. COCHRAN.

Exchange on you $200.

2nd exchange $200.

CHARLESTON, S. C., *Oct.* 31*st*, 1861.

Three days after sight of this second of exchange, first & third unpaid, pay to the order of Jno. C. Cochran, esq., two hundred dollars, value received, and charge the same to account of y'r ob't serv't,

HALL & CO.

To Messrs. RIGNAL, DARDET & Co.,
*Havana, Cuba.*

No. 1220.

(Indorsed:) Pay Messrs. Rignal, Dardet & Co., to be invested in check on New York.

JNO. C. COCHRAN.

C. No. 1.

182 C No. 2.—H. H. E.

NOV. 12TH, 1861.

MY DEAR COUSIN: Knowing that you must be in want of money, I sent you a check on Baltimore for $285 some time since and now enclose duplicate of the check. If the first was received the present one is useless, and you can tear this one up. All of your family and friends are well, and with a strong trust in that Providence who has watched over us to the present time and a firm belief that he will not shorten his arm I hope that we may meet again before many months.

Very truly & sincerely your affc' cousin,

CLARENCE.

Mrs. BARKSDALE, *Philadelphia.*
(Indorsed:) C No. 3 (11), H. H. E.)

183 C No. 2 (2).—H. H. E.

SOUTHWESTERN RAILROAD BANK.

No. 2368. Duplicate.

CHARLESTON, S. C., 12 *October*, 1861.

Cashier of the Merchant's Bank, Baltimore, pay to the order of Mrs. Serona M. Barksdale two hundred & eighty-five $\frac{75}{100}$ dollars. (Original unpaid.)

$285\frac{75}{100}$.

JNO. C. COCHRAN, *Cashier.*

(On the margin:) 2368.

(Indorsed:) C No. 2.

184 C No. 3 (1).—H. H. E.

CHARLESTON, So. Ca., C. S. A., *Nov.* 10, '61.

DEAR EMILY: I wrote you lately enclosing in a letter to Leanda, which has gone via England in steam propeller Bermuda, but it will be some time ere you receive that, so I avail myself of an opportunity to tell you that I'm here still, & still selling dry goods for a salary sufficient to live on. This my occupation will be gone by 1st of Jan., even if it is not broken up sooner by these infernal Yankees, who have actually captured two little sand forts about sixty miles from the city on the coast. They bro't an armada carrying 130 guns to bear upon these little forts, mounting but 13, and captured them. The German artillery of this city who manned these forts fought like heroes; they had but 20 killed & 40 wounded. The Yankees took no prisoners. Of course there is a great deal of excitement here and troops are hurrying to the coast.

Our city troops are all under arms, and all are determined to drive
185 the invader into the sea as soon as he quits his ships. All this makes business dull, & trade is what I depend upon to earn my dinner. As it is doubtful whether you ever get my last lucubration, I may as well give you the gist of what I wrote therein. Another motive impels me to do so, *i. e.*, I have nothing else to write of. Mary is in excellent health; is over with her mother in Edgefield, and expects—now open your eyes!—to have a baby the 1st week in Dec. I tell her it ought to speak French naturally for it is a French baby sure. Her health has been, since the spring, when she was poorly for a few weeks, excellent, and when she left me some six weeks since she was rosy and bright as a May morning. She looks younger than she did five years ago, and is growing handsome every day, and, what is of infinite more consequence, she continues as good natured as ever and more in love with her husband than she was the day she married him. She has also determined, when her child is baptised, to become a member of the Episcopal church herself. This

gives me great satisfaction, for I know her to be sincere and in
186 earnest, and I trust this will prove another strong bond of sympathy and union between us; it certainly removes my most serious objections to becoming a father, and may God give us grace properly to discharge the responsibility which is about to devolve upon us. Were I even more opposed to having a family than I really have been the sight of Mary's happiness would reconcile me to it. I don't think I ever saw a woman more perfectly happy than she has been while making,

very quietly, you may be sure, for she was mighty shy about it, preparations for what, to her, is the crowning event of her life, and in her great joy she has not forgotten, humbly, to ask counsel and assistance from the Most High.

Nellie Chapman, now Mrs. Chappell, is also in "that way which ladies wish to be who love their lords;" her health is delicate. Susan is still unmarried. Poor old Miss Luna continues to follow the fashions, but she is wilting, and if this war continues will dry up and blow away, I think. I am still boarding with Mrs. Bomar, now on King st.

It seems strange to look back and think that is now five years
187 since you were here with me; I wish I could have another such a visit from you when this most unrighteous war is over. I hope to get settled somewhere and then I hope to have you with me. These Americans are so unsafe that I feel more and more inclined when I finally culminate under my own vine and fig tree to do so under the broad ægis of Brittannia, but the how to do is the first question. My own health is very good; I was quite unwell when Mary left, but I am all right now. Your old friend, Capt. Mickel, is still in town. Do you know that poor old Miss Anna thinks your sojourn with me was a trap to catch the Capt. Only think! Ned Willis, now the husband of a wife his exact counterpart, only better educated, & the father of two children, is quartermaster-general for Gen. Drayton's brigade; he ranks as captain.

11th.—I enclose bill of exchg. stg. for $20; please forward it to mother; it is intended—well, see next page addressed to her. I pd. $110 for this bill & I hope it will make them partially comfortable. God bless you, sister.

Your brother,

JAMES.

188 11TH NOV.

MY DEAR MOTHER: I enclose a stearling bill of exchange for £20, I paid $110 for it this morning. You may find some difficulty in disposing of it at first, but it is as good as gold, and ought to sell for at least $100. Your best plan is to endorse it and then get our friend, Hollis Smith, to dispose of it, or R. D. Moskill, who is honest if he is queer. As those sleepy Canadians will be afraid of a bill of exchange drawn in secession, you had better hand it to one of these gentlemen, and tell him to put it into some one's hands that have use for English funds and they will speedily see that the Bank of Charleston has ample funds in Liverpool. I wish you to use half and give Caroline half. Don't sacrifice the bill for less than its value; you can lodge it in some one's hands who uses English funds, and they by sending it across the water can see that it is good. May God bless and keep you all in health
& safely until I see you again. I have written you several
189 times lately. Acknowledge the receipt of this to Emily if she is still in Cuba, else try and get a letter to me through Lord Lyons, British minister at Washington, & Robt. Bunch, H. B. Ms. consul here. I am in a frightful hurry. The friend that takes this leaves to-night for Havana. Love to all.

Your son,

CHAS. J. L. BACON.

Not knowing where you are exactly, I put two directions on this, so that it will be sure to reach somebody.

190 C No. 3.—H. H. E.

CHARLESTON, SO. CA., *Nov.* 11, '61.

To H. B. Ms. CONSUL, *Havanah:*

D'R SIR: Enclosed please find a letter addressed to my sister, Miss E. Bacon. Will you please hand it to her if she is still in Havanna. If she is not, please cross out her direction and mail as per lower direction to my mother in Canada. By so doing you will confer a great favor upon a loyal subject of our Gracious Queen.

Respectfully,

CHAS. J. L. BACON.

191 C No. 3 (3).—H. H. E.

Second. £20 St'g.

No. 5259.] BANK OF CHARLESTON, SOUTH CAROLINA,
*Nov. 11th*, 1861.

On demand of this second of exchange, first of the same tenor and date unpaid, pay to Sarah S. Bacon, or order, twenty pounds sterling, in London, value received, and placed to account.

J. CHESSBOROUGH.
C.

To BANK OF LIVERPOOL,
*Liverpool.*

Second.

(Indorsed:) C No. 3. H. H. E.

192 C No. 4 (3).—H. H. E.

3rd.

Exchange for £281. 5. 0.

CHARLESTON, S. C., *October 26th*, 1861.

Sixty days after sight of this third of exchange (first & second unpaid) pay to the order of Mess. H. Upmann & Co. two hundred and eighty-one pounds five shillings sterling, value received, and charge the same to account of "Bank of Camden, S. C.," without further advice.

W. W. COMREN CO.

To Mess. GEO. PEABODY & Co.,
*Bankers, London.*

(Indorsed:) Two hundred & eighty-one pounds 5. 0. sterling.

193 CHARLESTON, *Nov. 13th*, '61.

Messrs. H. UPMANN & Co., *Havana:*

DEAR SIRS: We enclose to your order 1st & 2nd of two drafts, amounting together to $615.$\frac{65}{100}$, as also 3d of a former of £281 5*s*.

We would have gladly availed ourselves of the present good opportunity to remit more, but would not get it from Messrs. Hall & Co. Since our last, by the Robert Leet, things have taken a somewhat ugly turn, as you no doubt have learned already, and we for the present must request you not to ship. In regard to a supply by the Robert

Leet, we think Capt. Gage has re'd orders not to come here; if not, and Capt. G. can show you sufficient reasons for the safety of the sugars in this emergency, we are satisfied to let the lot ordered by him be shipped.

Respectfully, yours,

SCHRODER BROS.

In envelope addressed "Messrs. H. Upmann & Co., Havana."

C No. 4 (1, 2, 3, 4).—H. H. E.

194 C No. 5 (2).—H. H. E.

First. Exchange for £25.

No. 192.] STATE BANK,
*Charleston, So. Ca., 11 Nov.*, 1861.

Sixty days after sight of this first of exchange (second & third of same tenor and date unpaid) pay to P. O. Connor, in London, or order, twenty-five pounds sterling, value received, which place to account, without advice.

B. M. LEE, *Cashier.*

To ROYAL BANK, *Liverpool.*

First.

(Indorsed:) James Armstrong.

195 C No. 5.—H. H. E.

CHARLESTON, *Nov. 13th*, '61.

Mr. P. O. CONNOR:

DEAR SIR: Enclosed find bill of exchange for twenty-five pounds st'g. I regret to say that both exchange and the chance of forwarding letters is hard to be got at. I had to pay for this bill 25 per cent premium, which will account for you not receiving a larger amount. I also regret that I can give you no information in regard to the state of affairs here, from the fact that the gentleman that forwards you this letter could not take it with any such information.

Hoping it will reach you safely and in due time, I remain truly yours, &c.,

JAMES ARMSTRONG.

In envelope, addressed "Mr. P. O. Connor, Faughanvale, County of Londonderry, Ireland, via Bally Kelly post office."

C ⅋ 5, cont'g No. 1 & 2.—H. H. E.

196 C No. 6.—H. H. E.

NOVEMBER 10TH, 1861.

MY BELOVED CHILD: Knowing how anxious you will be to hear from us, I have written you these few lines to let you know that we is well. I hope you will not make yourself uneasy about us, knowing that we is in the hands of the Lord, and what he doeth is right. I think of you every day and wish I could hear from you, if it was but one line, to hear that you is well and doing well. I have sent you several letters which I hope you have received, and I sincerely hope you have received the checks which we sent you. I wish I had sent you all of my money, for

if I had to leave here I would like you to have it. I suppose you have heard of the bombardment at Port Royal, but you must not make yourself uneasy about us; if our city is in danger, we will leave and go in the interior; so we will put our trust in the Lord, knowing He doeth what is right. Sally has written to you & Julia, to write your letters and put them together in one envelope and direct to Mr. C., and
197 in another to some house in Cuba who will send it on, so I am in hopes to hear from you. Your grandmother gives her love to you and Julia, and says that you must be good children now that you cannot hear from home but seldom. Tell Annie her sister has a son, and her mother and all the family is well. Give my love to Julia and Suck. Mrs. Myers has arrived here, but we have not heard a word from her. Your Ba and all the children sends their love to you. Do, my daughter, take good care of yourself and try and do what is right. I hope you will not get out of money before we are able to send your board; if you do and Mrs. W. will not keep you, you must go to Sammy; he cannot refuse to keep you until we are able to send your board. I would prefer Mrs. W. to keep you all if she will. Give my love to Sammy and Aimy, and kiss the children for me. Mr. S. is well; he sends his love to you and Julia.

In envelope addressed: "Miss Sarah S. Teityen, station E, New York, per steamer."

C. No. 6 (1, 2 & 3).—H. H. E.

198 C. No. 6.—H. H. E.

NOVEMBER 10TH, 1861.

MY DARLING CHILD: I am so thankful for another opportunity of writing to you again, particularly at this time, when I know that you will be so anxious about us. Before this reaches you you will have heard of the bombardment of Port Royal and capture thereof. It is thought by some that our city will be in danger, but I will not fear, but trust in the Lord, and if there should be danger we expect to leave here and go into the interior; so do not, my dear child, be troubled about us, but confide in the goodness of God, for he is able to bring good out of evil. I hope my darling has received the letters sent her; we have sent you six or seven, at various times, also two checks and two duplicates to them. I hope and trust you have received them. In our last we informed you how you could send a letter. If I could only hear from you, just one line, I would not mind the other troubles that are perhaps coming on us. I think of every hour of the day and wonder how
199 my darling is, and what is she doing, particularly on Saturdays and Sundays. I have not regretted sending you one day; my only regret is that I did not send more money when I could have done so. I hope if you have received the money sent, that you have bought whatever you needed to make you comfortable for the winter. As soon as this difficulty is over I will try and send you some more. In one of my letters I told you that if your money should ever give out before we had a chance of sending more, that you must go to Sammy; he could not refuse to take you in, as we would send the money for the board as soon as there was a chance; any how I hope the Lord will raise you up friends in a time of need. I do not think Mr. W. could refuse to keep you for a month or two until the money was sent. You know I would prefer you to remain with her if she would keep you. Mrs. Meyer has arrived here about a week ago. I was very much disappointed at not

hearing something about you. Sally and none of us have seen her, but I hear that she says she had not seen any of you, and so could know nothing about you. I think it was very mean in her, for if she
200 did not want to see you she could have called on Mrs. W. when you was at school, and could have then told how you all were; but I hope the Lord's blessing will rest upon you, and that you have received our last letter, and that there is one on the way to us now. The Timely are all well, Mrs. T. included, only very anxious about hearing from you. They all send their love. Give my love to Viro & Tuc. I hope you are all good friends and living as loving as we could wish. Love to Sammy & Towils.

C Y.

In envelope addressed: "Miss Sarah S. Teityen, Station E, New York. Per steamer."
C, No. 6 (1, 2 & 3).—H. H. E.

201 To My Darling Sister Sarah, from—

LOU.

CHARLESTON, So. CA., *Nov. 10th*, 1861.

MY DEAR SISTER SUCK: As I have an opportunity, I write you these few lines to inform you that all is well at present. I hope that this may find you enjoying good health. You need not be uneasy about us. Mother, Emma, and all send their love. The enemy is sixty miles from here, & we have hopes that they won't succeed in taking this place. As I am uncertain whether this will ever reach you, I cannot enter into details; I am very anxious to hear from you. My darling sister, do take care of yourself. George is well when I heard from her. Brother Oliver is well also. I am very to know how brother is. As Aunt Sarah is going to write, she will tell you everything that's worth relating. No more at present from your affectionate sister,

LOU.

In envelope addressed: "Miss Sarah S. Teityen, Station E, New York, per steamer."
C, No. 6.—H. H. E.

202 NOVEMBER 13*th*, 1861.

MY PRECIOUS NIECE: I have sent you a great many letters by different opportunities and one only last week, but for fear your mind will be worried about us all since this naval expedition, I must write again to assure you that we are perfectly safe, and feel no fears. The fleet has taken possession of Port Royal, sixty miles from us. Should they make any advance, and we do not find we are safe, why, we will go up the country out of harm's way; so don't worry about us. Lou and Emma have both written you; all are well. We send a check of one hundred dollars on Baltimore, which you must sell, and divide equally between you three. We sent one before; hope you have got it; a duplicate was sent afterwards of it and also of a 30 dollar check. Heaven grant that you may have received or will receive all the money sent you. Write us word whether you have. We will get the letter some time or other. Mrs. Meyers has arrived. Did any of you carry her a message from us? We are all so anxious to get letters from
203 you, now that we have found a way for you to send them. Give my love to Julia & Vira; tell them this envelope is so full or I would send them a line. Tell them to cheer up and trust in God. I

hope, my dear, that you go regularly to Sunday school & church. Everything seems combined to separate us at present, and to cast a gloom perhaps, but we must put our trust in God and He will bring everything to pass. By fervent prayer everything can be accomplished. Pray, my love, and trust in our Heavenly Father. "God in His infinite mercy guide, guard, & protect you, cause His face to shine upon you, bless you, and give you peace," is the constant prayer of your affectionate Aunt Sarah and your dear mother.

LOUSA.

Mr. C. sends love to all.

In envelope addressed: "Miss Sarah S. Teityen, Station E, New York, per steamer."

C, No. 6.—H. H. E.

204 C, No. 6.—H. H. E.

SOUTHWESTERN RAILROAD BANK,
*Charleston, S. C.*, 13 *November*, 1861.

No. 2372.]

Cashier of the Merchants' Bank, Baltimore, pay to the order of Miss Julia Hodges one hundred dollars. (Duplicate unpaid.)

$100

JNO. C. CATHRAN, *Cashier.*

(On the left-hand margin:) 2372.
(On the right-hand margin:) 100. E. W. T.
(Across the face:) Original.

(Indorsed:) C, No. 6 (1, 2 & 3).—H. H. E.

205 CHARLESTON, S. C., *Nov. 11th*, 1861.

MY DEAR SUCK: It is with great pleasure I write you these few lines. Ma sends love to you. When you answer my letter do tell me when you heard from brother. I hope this will find you as well as it leaves us at present. The enemy are 60 miles from here, so you need not be uneasy about us. Ma says that you must go to cousin Anne and ask her if she wants you to write for her, or send any message to her mother when you write. I must say good-bye; all send their love to you.

Your aff. sister,

EM.

In envelope addressed: "Miss Sarah S. Teityen, Station E, New York, p'r steamer."

206 NOVEMBER 12TH, 1861.

DEAR CHILD: As the gentleman that is going to take this letter is going to post it himself we have concluded to send you some money. You will find a check enclosed for one hundred dollars, 35 apiece for you and Viro, and 30 for Suc. At present everything is quiet in the city; at every side you turn there is nothing to be seen but soldiers, and they are arriving here by thousands, and you may be certain our city will be bravely defended. Let me entreat you, my dear child, not to be over-anxious about us, and needlessly distress yourself with newspaper news, for one-half of it will be stories, but put your trust in the Lord and make yourself contented and cheerful.

JULIA.

In envelope addressed: "Miss Sarah S. Teityen, Station E, New York, p'r steamer."

C, No. 6.—H. H. E.

207 C, No. 7.—H. H. E.

CHARLESTON, *Nov.* 12*th*, 1861.

FRIEND BULT: I have written by two or three schooners that I thought would get through, but have returned home and letters thrown overboard. Mrs. Rollins has been here for the last two weeks. Called to see your mother in Washington while there, getting a pass to come to Norfolk to see me, for I have been very sick three months. The ship is loaded with cotton and ready to go to sea, if she can run the blockade for some place in West Indies. If you have a chance, do write to Thornton from Havana and let him know how we all are here, as we can't get letters through to Baltimore this way. The great fleet has arrived off Port Royal and taken the batteries there, but have not landed any troops as yet. Soon as they do, they are all ready to give them battle, which will be a terrific one, for they will die rather than give up. The ferry-
boat leaves to-day, and I thought I would drop you a few lines
208 and give you all the particulars. Give my best respects to Lamden and Meyers, and all old acquaintances in Havana. What will be the result of this war no one can tell at this time. All your folks at Washington well.

Remain your friend,

WM. ROLLINS.

In envelope addressed: "Mr. Benjamin Belt, Havana. Politeness of Capt. Reynolds, of ferry-boat."

C, No. 7.—H. H. E.

209 C. No. 8.—H. H. E.

CHARLESTON, *Nov.* 10*th*.

MY DEAR CHILD: Can thee realize that one month to-day I left home? What changes will take place before I again see it! I write this by a Spanish vessel. The capt. will send it Baltimore, and with it some scraps. Let Mr. Banby and Mortage see. Tell them we are still hopeful, and the word "fail" is never heard. But to commence: Since I left home I had a pleasant trip down. When I left the Federal tug and got under the Confederate flag there was great rejoicing, and, strange to say, I was the only Southerner in the party—all from North, but with the South. We landed at Crany Island, where we dined with Col. Preston. After taking a look at the fort about town we started for Norfolk, and Col. Preston and Capt. Meeks, care Col. P., told me that a few days before Wm. spent the day with them at the fort, and he thought he had gone back to C., so I got a carriage
and went directly to Wm. Ward's, where I found him sick, and I
210 never saw any one look worse. He looked as though he had not a drop of blood in him. It is a mirical he got well. He is still not able to use much exercise. My friends tell me here that if I had not come they did not think he could live, he was so much worried about home. We found all well at N., and wished for thee. Tell Dr. Couts he is sadly mistaken about the South not being a unit. I have since I left been thrown with all kinds in N., Richmond, and C., and have yet to see the first Union man, even Mr. G. All are away and

fighting for their homes. Surely a day retrebute must come; to think that they should send a fleet to try to whip these people when all they asked was to be let alone. It is true they have the advantage on sea, for we have not navy. Thanks to Mr. Moly for it. You have seen that they have gone into Hilton Head. We cannot protect that point, as it is five miles wide the narrowest, and the batteries could do no good. I will send the true accounts: They had 75 wounded and killed. All they want is for them to land, and they can whip
211 them. The negroes on the plantation have have offered to assist their masters. We look very warlike here. We have in Charleston six thousand troops besides the Home Guards. North Carolina has offered ten thousand and Georgia ten, besides that the coast is covered with soldiers. They may land and do mischief, and drive the people from their peaceful homes and excite the negrows to bloodshead, but they can never conquer. Louana and Chals is but a part of the South; so if they are laid in ashes, what will they gain? A letter written from the capt. of one of the fleet to his brother here, tells the oft told tale to burn Chals and free the *nigrows*. Surely a curse will rest on the leaders of this unrighteous war. Do not feel alarmed about me, I am well and with friends, and no danger of feeling we may be made beggars by this; but I put my trust in a higher power. I cannot but feel I am in the right; when I see mother given up all, husband and children, feel that God is with them. It is a bright Sabbath day, and troops are pouring in. We have nearly three hundred
212 thousand men in arms; it is true our best men are Virginia. I will send the scraps of paper; keep them for me, and let our Southern friend read them. Tell Mr. Monty to tell his friend that our brave Moylan are now well cloched and cared for. We have 60 thousand troops to rel've the Hesse without one reg't coming. I have helped all I could, and am knitting *sctockins*. M. Corte says thee must not think they can ever be subjugot: all are Spartans South. Mr. C. drills every day; he is one of the reserve. Now how are all; do the little ones miss me? How we want to see them. Tell Willie not to forget me. We stay at the Mills House. Tell Mrs. Iglehart her sister is well and Mary. Mr. N. took them to Columbia, as he got frightened, for a short time. We think his fears groundless, which has proved to be, as they have made no attempt to land, and we fear they won't now. There has been no such demonstration made. I wish I could see thee to talk to, as thee feels like I do. When we go we shall go by the way of Raleigh and Northcorole, as the Rodka is taken for troops. Do not be-
213 lieve the North's report. We have won every battle, and will this if they will only land. I have a palmet' cap for G.; it is beautiful. Write to me at N. if thee can. If thee gets this safe, say "I got all safe," so I can know. * Do not be uneasy, as we can get along. Love to all. This tells that all's well at home.

In envelope addressed: Mrs. Anna E. Webb, 49 Pearl st., Baltimore, Md.

C No. 8.—H. H. E.

214 C No. 9.—H. H. E.

CHARLESTON, *Nov. 5th*, 1861.

DEAR REDMOND: I understood from Mr. R. G., that if I would drop you a line he thought he could forward it to you; and as this will

*Burn as soon as read. Kiss all for me.

contain no sentiments of any kind, I trust it may reach you. I wrote Julian and yourself yesterday, by way of Cuba, advising him to correspond with you, who would make such arrangements as would meet his wants, as they might arise, and to ask of you to furnish such a statement of affairs as might tend to uncertainties being entertained. I think it attended with great doubt, whether those despatches will reach you, and therefore write you again. I hope from the nature of the circumstances, you keep him advised of the reasons of my silence. His address is, I believe, care of Mess. Bessenger & Co., Dresden, Saxony. I also wished, if possible, a statement of affairs generally. I hope R. R. is in possession of the certificates generally, for the present. There
215 are, I find, a number of my letters to you returned for want of an opportunity of being forwarded. Letters to Francis Sauvalle, esq., Havana, Cuba, will possibly reach me after a while.

Yours truly,

C.

Addressed on back of letter: "Mr. Miane Redmond, esq., New York, N. Y."

C No. 9.—H. H. E.

216 No. 10.—H. H. E.

CHARLESTON, S. C., *Nov. 14th*, '61.

DEAR SISTER: We received yours of 6th inst. yesterday. You are aware of the victory gained by the Federals over our coast of S. C. The panic was frightful, & families were moved out of the city, from the coast to the city. I took Mary & Marria to Columbia, where they are now. I shall keep them there until I can feel confident of bringing them back. We are all well. I belong to the fire troops and do our duty in the hall. I was not aware of the death of my brother until your letter informed me. I was expecting to hear the same result. You must be very much excited about us and our safety; don't give yourselves any uneasiness, we are all O. K. When they land then comes the tug of war; on the water we can make no resistance. Yesterday a steamer arrived from Europe at Savannah, with 10,000 stand of arms & ammunition, which was a Godsend to us. I know if Mary
217 was with me, and knew of this opportunity, she would say much; but I am a poor writer. Business is beginning to revive on account of the war in our midst. I am bookkeeper, and do everything—only for white persons to do all our business, including myself & Mr. P.; all others are soldiering. I know you will do all you can about the N. Y. Mutual Life Ins. Co., for I cannot at present. This goes to Havana, & then to N. Y. I sent letters by every chance. We are all well, and our darling is a nice girl, and never forgets her dear aunty in Balto.; her Uncle Les. is very smart. Now, Sis, give our kindest regards to all our friends; write us every chance. I shall do my best to keep out of danger, and keep my family safe. Remember me to Mr. D. when you see him, & I am

Your affect.,

BROTHER.

217½ Indorsed: C No. 10.

218 C No. 11.—H. H. E.

CHARLESTON, 11th *Nov.*, 1861.

MY DEAR SON: An oppotunity afforded by a Spanish steamer, put into Georgetown in distress, bound for Havana, is embraced by me to write

you a few lines. I rec'd your letters of the 2d and 16th October. I trust Ellen has had a safe time of it ere this. Your mother and the girls have been for some weeks up at Mrs. Sims. They have all been sick. Emma was very ill with typhoid fever. Basil has just come down from there, and says she looks very badly, and will lose all her hair. Basil left us to-day to join his company, which has been ordered south. The enemy's fleet has got into Port Royal. Beaufort has been abandoned by its inhabitants. The enemy has not yet, so far as we can learn, landed any troops, but it is supposed he will do so shortly. A large number of our troops are being gathered in the neighborhood of Port Royal, and we may look for a battle on land before long. Charleston is to be fortified. The 16th & 17th regiments, and rifle regiment,
219 are orde ed to assemble to go into camp. God only knows what is to be the result. But I trust He will be on our side, and enable us to repel the foe, who comes only to rob us of our homes and firesides, and everything that makes life dear. Give my love to Ellen & George. Write by every opportunity. I expect to go down to Battery Island to-morrow. God bless and protect you.

Your affectionate father,

W. B. H.

In envelope, addressed: "Sr. Don Carlos Booth, for I. R. Heriot, jr., Matanzas, Cuba."

C No. 11.—H. H. E.

220 C No. 12.—H. H. E.

(Thonton. Private. Burn as soon as read.)

My Dear Thonton: I have not heard from home since I left. I hope all are well. There is some excitement here as we don't know how soon they may attempt to land. The points taken we could not hold. If they will only come on shore they will meet a warm reception. We have heard no news from Savana to-day. A great many have left and come to Charleston. W. Marshal Brother are true to the South and cannot understand how he can feel as he does. T. expects Theadore is in the midst of the fight, as he is convinced he is right, and God is with them. Mr. Tarthe is far from being well; he has fitted out the Isabel for sea, but will not go out in her. As soon as she goes we shall go to Richmond and Norfolk. Willie is afraid to come home. If he was arrested it would kill him. As it is we may lose every we have.
Tell Sis I forgot to tell Maria I would give but four a month and
221 she must not. Now what we want thee to do is to take that stock that has thy father's name and have it transferred to thee; that may be all we have. Have it done directly thee gets say nothing about it to any one, but let every one know how sick he has been and still not able to travel. What is the government thinking of? They can never crush these people that are fighting for homes, a curs' will rest on them. Frank is in Richmond. Mr. Maloy has promoted Linty in the Marine Core: he as well as us is heartily tired of doing nothing. Go to Thompson's and get his clothes; he brought the cloth himself. If thee can, send them to him and a pair of boots, as they are very dear. I shall come home as soon as I can; be careful what thee says; let every one know that thy father has not been in employment since the ship, only on half pay; we are in a tight place; may have everything taken from us by that confiscation act. If thee will

pack Frank's clothes in a box and give to the Cap. that was on
222 board when T. came down—I forget his name, he can get some one that is under the flag of truce, he can get them to take as his own; it can be done very easily for I know now how it is. Do this as Frank wants his clothes very badly; get them to me. Ward at N. You must be as saving as you can. Pa is heart sick; tell them that Bolin is keeping a store at Manassa. We shall go to Richmond this week. There is no news to-day; we are not afraid of the Hessins—a right contemptable race to war upon a peaceful people and the ringleader and pilot of this fleet a man, no, a brute, that has spent winter after winter on these people and got his living out of them, to pilot these vessels, when he knew they were defencible; would you got a Southerner to do this; never. If thee can write to Norfolk and let me know be sure and attend to whate I write; remember me to all. I wish I knew how all are at home; how I want to see. Take care of all; if the silver can be burried do it. Love to all.

223 C No. 12.—H. H. E.

DEAR SIS: I wrote by the way of Havannah and hope you may get them safe. I have not heard from N. since I left. I forgot in my hurry to tell Mary that I could give four and no more; she ought to take even less than that; so thee can tell her, if she is not willing we can get some one that can do the washes. I shall come N. as soon as I can. W. is far from well, he could not stand our winter; we are now sitting with our windows up, and everything bright, if it were not for those wretches invading peaceful homes and driving people away from them. How any one can support such a course I cannot understand. Tell W. M. his brothers are right and fighting for a good cause. Frank saw them after. Tell cousin P. G. all well at R. Will at Monasi, and C. at Yorktown. Tell M. George said he looked all through the prisoners for a Pennsilvanian, but could not find one. Stay well fo' me. Do, sis, take care of all fo' me; may lose everything. Let M. know what I have written, & thee can lock up.

223½ (Indorsed:) C No. 12.—H. H. E.

224 C No. 13.—H. H. E.

CHARLESTON, *Nov'r*, 1861.

Mr. P. DORN:

DEAR SIR: Capt. Currie has got a contract with our government, and will leave this, if possible, in about 10 days (with a cargo of cotton), and intends amongst other articles making extensive purchases in medicines, and as he is not acquainted in that line, I suggested to him that he could save a large amount if he could obtain your assistance. I will give him your address, and should he write to you, try and meet him, and if you can give him your assistance you may make arrangements with him to bring or send some articles for us; and also may come yourself, if you wish, free of all expense.

I enclose you an account of the battle at Port Royal. Lesemann was not in the flight. The 4th brigade are encamped on the race ground. There is great excitement in town. Halberstadt is a serge'nt in
225 the 16th regt., and is in camp. I am a lieut. (2d) in the reserves amongst the old men. We drill every afternoon, except Saturday & Sunday. We are all well.

Yours, in haste,

A. C. PHIN.

P. S.—I have not received any letter from you for months. Your last being dated Dresdon, 13th June.

A. C. P.

In envelope addressed: "Mr. Paul Dorn, care Messrs. Gehe & Co., Dresden, Germany."

C No. 13.—H. H. E.

226 C No. 14.—H. H. E.

ST. SIMONS, S. C., *July 3rd*, 1861.

MY DEAR MARY: A letter from your cousin Robert Chisolm informed me of Mr. Traldon's troubles; this may effect your dear aunt, and I write to say that should it be inconvenient for you to remain any longer with her (who has been a true mother to you) remember our house is your home, where you will find warm hearts to welcome you. I hope you have been as great a comfort to your beloved protector as Katie has been to hers. Kate is very pretty, and dearly loved by all who know her. She now occupies her cousin Sarah's place in our household duties. Since the death of dear father we have been very gloomy, the brightness of life is blighted, and we see but a gloomy future. Give my love to Horace & Frank.

Your aff. cousin,

W. MILES HAZZARD.

227 C, No. 14.—H. H. E.

ST. SIMON'S, S. C.,
*July 24th*, 1861.

MY DEAR AUNT: I received a letter some days ago bearing the sad inteligence of Mr. Waldoes monied troubles. Bob Chriolin, who wrote me, did not know particulars. Fearing, dear aunt, that you will be embarrassed, I write to assure you of the happiness it would give us to have you spend the remainder of your days with our heart-broken mother. We have written you the particulars of our precious father's death; the subject is so painful will not again allude to it. I have enclosed Mary a note; after reading it, if you think best, hand it to her. I am sorry her int. money cannot be sent on, but such is the condition of our banks that they will make no payments until forced to by a recent law passed, which law takes effect in a few months. I have not been able to pay off any of Katie's a/c for the past year, not being able
228 to collect her interest. We expect to move from the Su. this fall as the blockading fleet are committing many depredations. Last week a party landed at night on Cumberland Isle; stole four of Mr. Nightingale's negro men, which they took off tied. On last Saturday night the negroes made their escape from the brig and landed safely on Florida coast in one of the ship's long boats. They state that the crew informed them they were to be sold in Cuba. It is painful to think what little honor governs the proceedings of the Northern Confederate officers. To think that officers of a great nation has so little respect for their government as to make use of a blockading fleet for pilfering plantations. Every hope of the North & South ever again being united is now banished. The whole South is one vast parade ground. I believe since Lincoln's message the universal feeling is that we had better be governed by a crown head that would protect us,

than a despot who desires our anihilation. You must not forget us, dear aunt, in these troubleous times; you can be loyal to your govern-
229 ment, which is a noble trait, and yet think of us in your prayers to Him on high; all join us in love to yourself, Horace, Frank & their better halves; also to dear Mary, who Kate has written several times.

Your aff. nephew,

WM. MILES HAZZARD.

C, No. 14.

230 D, No. 1.—H. H. E.

CHARLESTON, 8 *Noviembre* 1861. (Via Habana.)

SORES. PLANDOLIT HERMANOS, *Barcelona:*

MUY SORES. NUESTROS: Despues de n. anterior 14 Setiembre ppo. lia venido á fervor ciermos en gratas del 5 Agosto, qué vamas con gueto á contestar. Gracias mil por un deseor pr. qué varien las circumstanicas qué hoz aflegen este pais, peró desgraciadamente vie nada han cambiado y, si por el contrario, se curredan cacha dia mas. El blogueo continua, y aunques no es efectivo, por salir y entrar cada dia, buques de los puertos del Sur, no obstante, tiene todos los negocios muy paralizades y aflige al comercio á un estremo increible. Hace unos dias qué salió pr. Inglaterra ó Francia, el vapor "Bermuda" completaments cargado de algoden, el qual y á pueden calmbar qué fabuloso beneficio reportura á sur duenos arando su coste es por termino medio de 9 c. Este mismo vapor es el qné entro cargado de efectos de Inglaterra en los arales tambien linieron sus duenos un bárbaro beneficio. Han vencido los plazos á qué fueron enagenados los garañones, peró arrastrados por la costumbre qué durante estas circumstancias se hia adoptado, y de la cual apesar de n. esfuerzor no hemos podido evadirnos, hemos tenido qué pacer sin ser pagados dhos. pagarés, y solo renovarlos.
231 No obstante creemos seguro el pago, asi qué las circumstancias cambien peró en el interior, como yá les hemos dicho es impossible la coleccion de un centaro. Tenemos no obstante una satisfaccion, y és qué con los saldos qué habrán ya esbrado de varios de esa como Balaguer hos. Masso y Stagno y otros, estarán ya Vs. enbiertos de s. interés en dhas. operaciones sociales, á cuyo fin y pr. n. gobierno, dereáriamos nos mandasen su estracto de cuenta corrientes, pa. asi saber tambien quienez son los qué nó cumplea en hacerles las entregas qué les tenemos ordenades y mucho les agradeceriamos qué asi lo hiaeran. Su contestacion pueden dirijido por via de la Habana de donde salen, confrencia buques qué violan de blogueo de n. costas siendo este el medio más seguro.

Agui se hán hecho, como hemos dicho al principio enegorios brillantes, con cargamentos entrados del estrangero, y mucho gusto tendriamos en qué Vs. ahi, lo grasen formar una sociedad qué por acciones, tomace el ñergo de venir, y violar el blogueo, en cuya negocio tomariamos tambien nosotros un interes de $2,000 aprocsimademente. En Inglaterra, asi sé há hecho pués entre muchos accionistas hán formado un capital suficiente pr. comprar vapores ó buques veleros y sur cargamentos,
232 qué bajo la proteccion de sus banderas estrangeras hán entracto y cuadriplicado en algunos efectos su costés. Todo este, se entiende hia sido asegurado en Inglaterra, contra viesgo de mar y la guerra, y solo asi és qué podrian y deben Vs. hacerlo. Por consiquiente hagan un espuerzo en vennir accionistas, y escribamos cuanto adelantea S. esta idea. Por si afordemadamente lograrán poner en ejecucion dha. supresa,

les diremos qué llenen el vapor, ó buque de vela (siempre con preferencia el primero) los efectos siguientes:

Plomoe n lingotes (cuante se pueda).
Sata en lingotes.
Paño gruero y de coler cenirozo pa. la tropa madeer en abundancia.
Paño azul tarqué fino, y de otros coleres.
Bayetes ó franclas. Tanto como puedan.
Tlecadas de lana " " "
Pomvelor de hido y algodon "
Zapatos gruesor p. la tropa " "
Y tambien medicinas.

Pues de todos estor articulos esta este pais enteramentes desprovisto. El ploma vale hoy de $20 á $22 el guintal; la bayeta y denico géneros á precior escorbitante; la sal vale á $4 & $5 de guintal. El café á $50; zapatás á cualerquier presio se pagan. Esperamor pués ansiosos sur noticia sobre este particular.

233 Hace diar, qué la gran espedicion naval del Norte hà atacado Port Royal distante una 60 millas al Sur de Charleston, con el objecto de decembarque á invadir el pais. No han consegiudo aun lo primero péro si lo consiguen, hay un ejérci te disponible pr. batirlos siendo la opinion general, qué seran completamente deriotado. Deseando muy y muy cordialmente, qué se acuben con una pronta pay, las desensience qué arrunuan este Pais, pr. poder principiar unevor z prosperos negocios, en espera de saber de Vs. y la situacion de su mercado, nos reiteramos sus afmos. amigor y S. S.

Si tuvieramos proporcion de Q. B. S. M.
comprar Librar Estertinas, aqui Hall & C.
mismo podriames vennir
sucritores pa. la empresa citada vintes, péro asino possible obtener dho. papel, y esema lástima qué por esta circumstancia no se pueda verificar la operacion.

Á utta. hora:

Para el caso de qué seamos tom afortunados, que sin dar lugar á réciber nosotros aviso de su aprobacion por la empressa citado, pudieran Vs. venir el capital suficiente, pr. despachar el buque y cargamento, con los articulo dichos, la prevenirnos lo despachen para Mejico y qué entre

234 en la Habana donde podrá solo entrar bajo pretes to de arribada, dandonos Vs. aviso de la salido, tendremos alli, y su espera un buen practico de toda la costa, á quien tenemos y á comprometido, y, con el pordra, entonces salir pr. essa costt. Lo dicho, requiere actividad, z en su mano queda el complearla, quedando á n. cuidad, el buen ecsite de la espedicion, del cual bien poco dudamos, pués es muy facil la entrada en alguno de los puertos de la costa, con un buen practico como el qué yá tenemos preparado.

Aguadamor anseinor sus avisos, z sigan estas n. instruciones. Olvidábamos decirler qué la reserva sobre el destino de la espon. es muy necesaria pr. el buen écsite de la misma, y doben Vs. mantaner la muy estricta.

Sayor

HALL & CO.

In envelope addressed: "Sores Plandolit Hermos. Barcelona, Espana."

D, No. 1.—H. H. E.

235 CHARLESTON, 8 *Noviembre* 1861. (Via Habana.)

Sores. MASSO Y STAGNO, *Barcelona.*

MUY SORES. NUESTROS: Siempre privados de sus grata correspondencia, hoy pasamos á manifestades no haber variado las circumstancias locales in politicas en lo mas pués continua el bloqueo en todas nuestras costas del Sur, y aunqué es muy inefectivo, pués continuamento entran y salen buques, no obstante perjudica nuclusimo al comercio en general. Dias parados salió el vapor Inglés "Bermuda" con un completo cargamento de algodon, para Francia ó Ingleterra cuya espedicion al punto de su destino, no haz duda reportára immenso beneficos á sur duenos costando el lanage por término medio unos 9 ¢.

Suponemos qué tanta por sus ofertas, como por ns. cueta orden, 9 Agosto ultimo habian hedro entregos del saldo con interes que alianzabamos de Vs. en cuenta corriente, á eser Sores. Plandelit hermanos, y qué por consiquiéntos quedará esta saldada hasta qué la Providencia, nos depare imposer éflocas, siendo una lástima que las Potencias Europeas, participando de los perjuicios qué nos causa, la closura de ns. puertos, noteme médidas pr. leoantar elleo bloqueo.

236 Han dor dias, qué la Gran Espedicion Naval del Norte, dia atacado "Port Royal" distante unas 60 millas de aqué, con el objeto des hacer un duembarque y huyo invadir el pais, peró nó la han por ahoras comegirdo, y se supone qué seran batidas tan luego como efectuen la invacion. Sin otro particular por hoy, y muy ansioso de saber de Vs. nos interamos de Vs. afmos. y S. S.

Q. B. S. M.

HALL & CO.

In envelope addressed: "Sores. Masso y Stagno, Barcelona, España."

D, No. 2.—H. H. E.

237 CHARLESTON, 8 *Noviembre* 1861. (Via Habana.)

Sores. BALAGUER HERMS., *Barcelona.*

MUY SORES. NUESROS: Siempre con el sentimiente de no poder referimos, á ninguno de sus apreciable escritos, la confirmanos ns. anterior del 24 pss. Octobre, qué suponemos habiá oportunamente llegado en su poder.

Desde entonces, en nada han variado las circumstancias locales z politicas, con la essepcion de haber salido de Savannah el vapor Ingles "Bermuda" con un completo cargo de algodon pr. Francia ó Ingleterra, el cual evitando por termino medio 9 ¢. reportará al llegar á su destino, un immenso beneficio. Qué lastima, no se haya algun buque Española venturado á pasar ó forzar el bloques, como han hedro varior Inglesa? Por lo demas, todos los negroceos, estan naturalmente paralizades, puese faltandanos la esportacion queden acallados los negocios.

Ansiosos estamas de recibir sus avisos, sobre la situacion de s. mercado pr. algedoner, pués suponconer debe estas el lanage á un estremo essaro como estas en Inglaterra y Francia, cintiendo sobrananero que esar 3 potencias acordes notraten de levantar el bloqueo de ns. costas, tan perjudicias, pr. sus propios intereses, como pr. los nuestros.

238 No tenemos duda, de qué en estas horas habrana realizado las portidas de algodon qué de s. sorvial les quedaban, y qué naturalmente ansiliador por las favorables circumstancias habran Vs. sabido aprovercharse, sacando de dhas. ullas. verneras un gran partido. En el concepto de qui todos asi heá ocurrido, y qué habran saldado ns. cta. con

la entrega de ns. alcumce á eser Sores. Plandolit hermamos, les suplicamos nos remitan por la via qué va la presentes, estrado de cuento corriente, pr. ns. gobierno y conformidad de ariendos.

Desde anteagar, qué la gran espedicion naval del Norte, esta atacando un punto de nuestra costa, llamado Port Royal pr. hacer alli un desembarque y consecuenta á el envadir el pais, pero brasta absora no la hán comoquido, y se crée qué seran batides, tan luego como verifiguen la invacion. Hay aqui un certusiasmo inesplicable.

Sin otro particular, solo desiamos qué nos escriban Vs. acanto ahi scurra, y qué venga pronto la paz, ó esquiera un levantamiento del bloques, pr. como antes sequir nuestras sociales operaciones mercantiles.

Son de V. affmos. y S. S.

Q. B. M. B.

WALL & C.

In envelope addressed: "Sors. Balaguer hermo., Barcelona, España."

D, No. 3.—H. H. E.

CHARLESTON, 25 *October*, 1861.

Sor. Dn. I. RENTER:

*Calle de la Muralla Peleteria de la Estrella, Habana.*

ESTIMADO AMIGO: El pasar á ese mi primo, Dn. Emilio Ping, y el no haben dicho joren pisado minca, ese pais trace, qué haya mo. de tu amistad, momendantole muy encareadamente á mi dicho parientes esperandole qué le prataras mantas atenuines requiera, y en caso de qué necesitara algun dinero te suplico se lo adelante por mi cuenta, hasta la cantidad de odrenta pesos poco mas á menos, en cuyo caso, te los satisfare yó con toda precision y puntualidad. En el concepto de qué atenderás como yo te pido á mi recomendado, te doy mil anticipandar gracias seguro como pueder estar de mis justa reciprocidad.

Aqui, chico, consecuenta á la guerra y blogueo de ns. puestos estamos enteramentes paralizados, peró se cree no tardaremos en vér un favorable campio. En fin mi recomendado te enterará de la situacion actual de las cosas de este pais, pues asi se lo encargo. El te impondrá de los enormes precios qué obtienen los tabacos, el café, y otros articulos qué tienen la suerte de forzar el bloqueo, y se nó fuere el viergo qué hay, te acomparia, qué tenieses un ensayo con una remesita de café y tabacos pues el café vale $50 el quintal y está de subida, y los tabacos se compran con un beneficio de 100 %. No obstante si en peguera escala, quieres hacer algun ensayo, habla con mi estado primo, pr. que el te compromete flete, con el buque qué regresará. Yá pueda contar, si te resolveros, qué yo hacé lo qué debo, pr. con ton interes.

Mucho deno saber, qué vayan bien tus negocios, y al mismo tiempo, si estas yá casado, y como está campe, pues nada si de ninguno de vosotros. Esperando pues qué me escribira estensamente, y qué recibiras como ne fuera go mismo al dado de la presentos mi recomendado me repito de te afmo.

Amigo y S. S.

VICTOR MALGÁ.

Tan luengo como desaparagan las circumstancias de este pais, será probables venga á dos un paseo por alir, que te deseo, pa. darte un abrazo.

In envelope, addressed: "Sor. D. J. Renter, calle de la Muralla, Peleteria de la Estrella, Habana."

D, No. 4.—H. H. F.

241 NEW YORK, *October* 10, 1861.

Sor. D. ISIDRO ALANDI, *Habana:*

APRECIADO AMIGO: Escribe á V. confeche de Agosto del corriente año inclusa una representacion que acompanada á nombre de todos los arresdores de la rasa, la cual estaba investida de todos los pormenores de la negociacion del modo mas claro y terminante desando de mas pudiese yahires la conducta de los dueños represantes pues vulposo tan grandes como las que al paraer guieren de hacar no ecsisten; en tal concepto vuelvo suplico á V. se siron sin perdide de tiempo tomase la pene ponerse de accurdo con todos y ver si algo pinde arreglase lo cual suplice á V. haya, pues leses saber ou ultimatome de este negocio. No hay acedo alguno se estrane la separacion de ese pais del que suscribe mas hay aun pendientes causas landelicadas y de tal trascendencia, que esas veran vengadas con el tiempo y no me es dable confiadas al triste soplo de un pliego de propel y que no era dable al que suscribe comprometer su persona ademas de la conduda para tomarse prestina por un propia mano; no obstacle ocasion vendrá que todos los agraires sean vengados y entomes mi sed
242 de venganze estará satisfacta. No puede air por menores que puramente correspondence á mi particular que separadamento de negocios poco importa, mas descando dar á V. una pueba de mi separacion motivos poderosisimos me obligaron como compienderá segun llevo espuesto y haho un ligero diseño, que no dudo á premiera vista podra acsubria pues estando entorado V. de la negociacion como pasó con la myor fé del nundo con esos picaros; no puede ni debe tener otra solucion que la marcado, que tarde ó tempomo vendrá á mano directa ó indirectamente. No obstante de la teranty de la epoca en que en este pais los negocios no dan para coma no me falta, nada la necesidad me ha reducido á colocar, me en una casa porla comida en la cual se me ha servido y quitado miseria de encima y como pucha de gratitud he cordraido madrimonio con una Sra. de la familia rapay al levantar recursos en eva Isla sin mas capital que el de su trabajo como modista privado en este concepto si Vds. nada resuelven con espito á mi guigas mé marche á otro punto donde con nuestro trabajo podamos ganarnos honradamente la vista y gracias á ella me ha mantenido sino habiera pernido grazias de hambre pues es pais demasido indolente parace estrayero.

Aprovedro este oportunidad para ponesual en mio de mi Sra. Emilie á sus ordenes como amigo, S. S.

Q. B. S. M.

PING.

In envelope addressed: "Sor. D. Isidro Alandi, Amargura, No. 75, Habana. Sda. á D. Ignacio, Lapitoqui."

D, No. 5.—H. H. E.

NEW YORK, *Octobre* 10, 1861.

Sor. D. JUAN TORRULLA, *Habana:*

APRECIADO AMIGO: La presente tiene por objeto anunciar á V. mi matrimonio con la Sra. D. Emily V. Smith, de respetable family de ciudad con mya union me creo muy feliz. Las terribles circumstancias que he atrevesado y la parte de caridad practicada por ellos no convieda en los americanos comprendiendo los merites que esa muger encierra y descoso de ejuner accion digna de un hombre honorado la graditud no he podido menos de poner en practica un pass que en otros tiempos con
244 los medios de lacerlo meyor, lo dude mas hay deferencia de una persona á otro, hoy he formado ya una pregruña familia cuya és

compuese de nosotros y una niña de cuatro años que espero poder educar à mi gusto pues es de entendimiento descorrallado y no dudo sera uno cosa muy buena asi como mi Sre. tienelodos las cosas tuenas que muger neasite para hacer feliz á mi hombre no obstante estar reducido á la miseria me hallomas feliz en mi estado que nunca sin ella probablemento hubiera peresido en la indigensia por no guererme abandonar á la currera del estafador pues aqui para necesidad aun el que trene capital por tante no dudo pasamos á Cubá ó á otro punto acalquierra que ellos con sus masaos solamente me sostiene la casa y yo con la esperiencia tango me hallo copay levantar se ansos con los idiomas y alguna otra cosa que podré poner en practica. Si Alande me contestara la solucion de los accrudores si me convenir pascosia alla ó de no tomaré el practido que meyer me panger no dudanto que donde guerria vagamos podremos ganar y adilantar supongo que mi estado sera una garantia para trabajos con afan y no dudo que si algo cree V. se pueda hacer sir vase V. decirmelo pues elle is modista y ademos con mi ayude
245 pa; demos dar leciones de idiomas.

Aprovuho le opertunidad de poner á Emily á los ordenas de V. en union de Adelita y repito soy feliz pues mi companera es muger de alcances y entiendo mucho en me dicien pues ha estudiado algunos anos y ese me basta.

Soy de V. amigo.

Q. B. S. M.

S. PING.

In envelope addressed: "Sor. D. Isidro Alanda, Habana, Amargura, No. 75, Sda á D. Ignacio, Lapotiqui."

D, No. 5.—H. H. E.

246 CHARLESTON, *Noviembre* 4, 1861. (Via Habana.)

Sores. AMELL JULIA & CIE.,
*Aguadilla, Pto. Rico:*

MUY SENORES NUESTRO: Privados han tiempo de sur apreciable escritos, sin duda por la iregularidad á las commissuaran molivada por el bloqueo de ns. costa y otros impedimentos á la actual guerra que aflige las surromes opuesta de este pais canonnes completamente de noticias de un isla, sin embargo viste la escasir del articulo en ns. plaza y preneyendo la proxima abatura de ns. puerto, venimos á suplicados fleten de entra cuenta uno ó mas buque neutrales, sin prepancia reparto á Inglien y remeten á nosotros hasta 3,000 tres mil sans de café de buena calidad provenando la mayor economia en precioso y gastros, y gizenido pr. su emporte á otro cargo y 60 posta sigmos que sus letras sucin debidamenta protejidan y pagaran á su veniemento. Por la tanto la suplicamos estra á la mira y han pronto como tengan noticia positivas del levantancia to del bloqueo, un examen á otra orden sin mas arvisos de nuestros, pues la falta de commission nos impedia las vir tenarle al correinta de las occasiones aqui sin embargo hamos la possible pera tenéde, bien informados sobre el particular.

247 Ntra placa signo un estado lunguido todos clases á provision escasar. El arros projen para na. de fel y 1¼ glt. ultima venta de azucar en subasta prellica, 6½ y 6⅝ calidad buen refino. En algodenos nada se hacer la opinion prillen atrimarde opuesta á la esportacion á este lunage mantrien el bloque à no dia manida el nuevo Gorican de esta estados confederadas pr. las posemia entengen los indicavemos la

via en la Havana para la transmicion de su correspondencia pr. nosotros y guidan as sus ordened con V.

S. S.
Q. B. S. M.

HALL & C.

In envelope No. addressed: "Sores. Amell Julia & Ca., Aguadilla, Pto. Rico."

D, No. 6.—H. H. E.

248 HARLEM, *October 9th*, 1861.

MY DEAR ALENCE: I write you this through the opportunity of a certain Mr. Ignacio, a Biscaïen, who, for a long while, stayed here at the South American Hotel. This gentleman kindly offered to William to take for him home whatever he chooses. I therefore begged William to remit to him the guitar you asked for under the address of Mr. Joaquin Barrena. You will therefore obtain, safe I expect, your cherished instrument by applying to the family Barrena. I feel exceedingly happy to send it to you under such favorable circumstances, and I would engage you to express your and my thanks as well to Mr. Barrena as to Mr. Ignasio. I forgot to tell you that Mr. Ignacio starts to-morrow, on the 10th, in the quality of a steward on board of a Spanish vessel, and Mr. Cilbero wrote to you, on the 6th inst., in answer to your last; but as the Matanzas did not go away on the 8th as stated, I shall send you the letters referred to by the Karnock on the 14th. Meanwhile if this should reach you before don't take the patent for filter.

249 Let us raise now money for the making of the machine of Mr. Cilbero. He has written in regard to this a letter to Mr. Barrenna offering the patent-right of Cuba for $100,000, of which $10,000 now and the remainder after the machine is made, at subsequent periods. Although $10,000 are asked now, one or two thousand would do for the machine. See what can be done. The document for patent is not received yet, and consequently we have not tried to raise money with. On account of the extraordinary bad times here it will be exceedingly difficult. On account of high rent, we probably will change our residence for the next month; our postal direction will, however, remain the same.

Everybody of the house send your their affectionate greetings, and I, till I can communicate better news to you and to us, remain as usual,

Your faithful friend,

ZAEPFFEL.

Above letter in envelope addressed: "Sor. Don Bernardo Alence, Calle de la Luz, No. 27, Habana, through the obliging cares of Mr. Ignacio."

D, No. 7.—H. H. E.

250 OCT. 9TH, '61.

DEAR FRIEND: I would have written to you the last time Mr. Zaepffel did, but he did not tell me till he had his letter sealed and ready to send, so of course it was too late. Last evening I was at one of the neighbors to a party and danced with some Cubans, who were there, the "Cuban dance," for the first time in my life; I found it very easy; much more so than I expected, as William had led me to believe it was very difficult. I think it is very pretty and graceful. While we were dancing it I thought of you and wondered how often you had

danced it since you have been in Havana, and how you are enjoying yourself, and how you spend your evenings. Next time you write you must answer all these questions, and tell if you still prefer New York to Havana, or if some of the black-eyed damsels there have not caused you to change your mind and think N. York was a stupid place after all. I should be the least surprized to hear it. Since you left I have formed a great many acquaintances in the neighborhood, and they are all lively and like to have fun, so that I am very seldom dull now. I often wish you were here with us to go along. I know you would enjoy it. I used to ask William to go, but he always refused, and Mr. Zaepffel, you know
251 is like any old grandfather, a real old fogy. While I am writing this I am shivering with the cold. Since day before yesterday the weather has changed very much. It has been delightful until now, but it feels now almost cold enough for snow. I envy you, for you will not suffer with the cold this winter like us poor creatures. I do dread the cold so much; but for all that I am going to learn to skate this winter, or at least going to try. I hope I shall succeed. I think it will be a very fashionable amusement this winter. Mr. Zaepffel has just come in to tell me I must hurry and finish this scrawl as he wants to put it in the envelope. I dare not read over what I have written for fear I have said so many foolish things and made so many mistakes that I would not send it, so I will not read it, but trust to your generosity to overlook them all. I hope I shall soon hear from you again. That you are well and happy is the sincere wish of your friend and sister,

LIZZIE.

In envelope addressed: "Sor. Don Bernardo Alence, Calle de la Luz, No. 27, Havana, through the obliging cares of Mr. Ignacio."

D, No. 7.—H. H. E.

252 CHARLESTON, *Novembre* 13, 1869.

Durch diesen zeige Dir an, dasz wir uns selbe ganz recht wohl und gesund befinden, ein ehnliches ist mir auch von Euch alle hoffen. Obzwar die Zeiten hier sehr schlecht sein, den wir haben hier $1 @ s. 7, denoch brauchst du Dich unser wegen nicht sehr bekümern, vir verlassen uns auf Gott den Allgütigen, der wird aller zum besten lenken; unser lieber Meyer ist mit in der Compagnie, der liebe Gott wird ihm den rechten Weg führen. Er ist gegenwerdig noch hier, wen aber die Nordern komen musz Er auch mit. Es gefällt ihm sehr gut das Soldaten Leben. Keine Briefe können wir nicht bekommen von Deutschland, diesen Brief schicke ich durch eine Gelegenheit über Spanien.

Lebet recht wohl, dieses wünscht dein Dich lieber Bruder,

J. TRIEST.

Unser lieber Bruder mit Familie ist wohl & gesund, es geht ism sehr gut.

In envelope address: "Madame J. Wannbacher, Hagenbach, by Ebernamta, Baiern, Germany."

D, No. 8.—H. H. E.

252½

253 NEW YORK, *le* 25 *octobre* 1861.

Monsieur DOMINIQUE:

Je profite de Niasia, qui part aujourd'hui pour la Havana, pour vous faire passer les deux mâts, et pour vous dire, que dans quelques jours

je vous enverrai mon neveux Charles, que je vous recommenderai. Je tacherai de le faire partir par le Columbia, s'il y a des 2e classe de passage, dans le cas contraire, je le ferai partir par la barque Allemande "Dodo," qui doit partir dans quelques jours, et je tacherai de vous remettre le plus tôt possible le retard de vos commandes.

J'ai bien l'honneur de vous saluer,

E. CLAUDE.

In envelope addressed: "À Monsieur Dominique, Havana."
D, No. 9.—H. H. E.

253½

254 CHARLESTON, S. C., 12*th Nov.*, 1861.

MY DEAR SISTER ANNE: It is now eight o'clock at night, and we have just received a notice through the Spanish consul (who is an intimate friend of ours) that an opportunity will be afforded to send you a letter by the way of Havana. I suppose that long ere your eyes look over these lines you will have heard and read of the victory gained by the federal troops, or rather federal fleet over our two sand batteries at Hilton Head near Beaufort, S. C. An immense armada attacked them, and after a very gallant and determined resistance on the part of our small garrison, they were obliged to evacuate the two posts, which commanded the entrance to the small town or village of Beaufort, S. C. The river between the two sand fortifications is over three miles wide and our guns were not heavy enough to do much damage to the great fleet that old Abe. sent to bear against those two sand batteries. We had in all at both forts just 30 guns and the great armada was com-
255 posed of not less than 50 ships and some 800 guns in all; many of them of great size and power. They are now in possession of Beaufort and the islands in the immediate vicinity. General Beauregard strongly opposed the erection of these two forts, as he said and urged that they were entirely inadequate for the defence of the river and sound against powerful steam vessels of war, and they have proved so. Beauregard said that nothing could properly defend the entrance unless it was a powerful artificial fort erected in the middle of the river, which would take as long to build as Fort Sumter. Sumter took twelve years, and cost $1,500,000. We feel much mortified that we have lost the battle, but are not discouraged, and the enemy will have much hard fighting to do ere it reaches Charleston. I must let you know that the depth of water at St. Helena is some 24 ft. at high water, whereas it is never more than 16 ft. at Charleston Bar. Our harbor is besides splendidly defended from an attack by sea by Fort Moultrie and Fort Sum-
ter, the latter having been put in the most perfect order since the
256 battle, so the enemy will have to come on by land, and when away from the great protection afforded them by their powerful fleet we are on the same footing as in Virginia, and with the aid of the God of battles will drive them back we trust. I suppose they have made it out at the North a wonderful victory, but I do assure you it was not so at all, as too small sand batteries against such an enormous fleet could not by any possibility resist the overwhelming attack that was made. The large vessels of war that crossed St. Helena Bar cannot come over Charleston Bar, and as nothing drawing over 16 ft. at the utmost can come in, the immense steamships that got in so easily at Beaufort cannot come within 12 miles of Charleston.

Charleston is now one great camp, and soldiers are to be seen every-

where, but I must say, with hardly an exception, I have never seen a more sober and orderly set of men. Would to God that this horrid and most unnatural war was over. Just to think at the late battle of St.
257 Helena, Gen. Drayton commanded the (our) soldiers and his brother Capt. Drayton commanded one of the steamships of war. Oh, 'tis horrid to think of, and at times I am filled with wonder and am utterly confused that an all-wise God will allow its continuance. We have had, thank God, an immence grain crop all over the South, and if we only had peace in the land all would be well again.

Sallie and myself returned a week ago from a much lengthened trip to the mountains in So. Ca., and No. C.; we are improved in health. We took Harriet with us through most of the magnificient scenery, and I assure you it was truly grand and glorious. Oh, how we wished you had been with us. If this war had not commenced I had hoped to sell out, say in about five years, and go on to good old England to spend the balance of my days. I love the solid and enduring institutions of England, and must tell you that I would greatly prefer to live under them than under such a wretched perverted government that we are now beholding. A great many vessels have arrived here and in Savannah from England during the past six months, they having run the
258 blockade successfully. I cannot tell the reason why France and England allows the blockade to remain. It is certainly an inefectual one. Most of the vessels that have got in are English.

Sarah & Harriet send their kindest love to you and Mr. Cornish. Do give him my best wishes and kind remembrance. We do greatly wish to see you both, and trust than an all-wise Providence will so ordain it that we soon may meet again, with the blessings of peace smiling on us.

Affectionately yours,

LEWIS.

If you write us you must do so immediately, and enclose your letter to us an envelope directed as follows: "Sigr. Emilio Puig, care Mess. Perez & Martinez, Havana, Cuba."

Write often and we may get all your letters, but enclose them directed to Sigr. Puig.

Letters directed at any time to Mr. Puig at Havana will, in all probability, find him. Although Mr. or, rather, Sigr. Puig, is a Spaniard, living in Charleston, but now in Havana, I must let you know that the sigr. is a beau of Harriet's, and has been often to our house. Vessels often run in from Havana to Charleston.

In envelope addressed: "Mrs. Anne Cornish, care Messrs. Cunningham & Co., moulding mill, corner 1st ave. & 27th st., New York."

D No. 10.—H. H. E.

259 CHARLESTON, *Nov. 12th*, 1861.

DEAR NANCY: A friend of mine expects to leave here in a few hours for Havana, and has kindly sent me word so that we could write you a few lines to let you know that we are still in the land of the living. Sarah and Lewis have just returned from the country. Sarah's health, I am glad to say, is very much improved. She is in hopes that she has entirely got rid of her headaches. Lewis still complains a little; he has to do military duty. We are in hopes that will improve his health. Do pray write us as soon as you receive this, for we shall be perfectly delighted to get a letter from you and to hear about them all in England. Have you heard from Adelaide lately? I do so long to hear from you all. I suppose they are under the impression in England that we are all

being murdered out here. I hope that you will write and let them know that we are all safe. I can assure you I do not feel the least afraid, 260 although there has been some excitement the last few days on account of the battle at Port Royal. The people here do not think it any victory for such an immense fleet to take two little sand forts. As far as I am concerned I do not feel the least afraid that the devils will ever get into Charleston. Before the end of this week we expect to have from 40 to 50 thousand troops in and around Charleston; this will be a second Richmond before many days.

How is George getting along? I hope he is doing something; give my love to him. I do so wish that you were with us. Lewis has not been doing any business in four months. God knows what will become of us if this dreadful war lasts much longer. I wrote you a few weeks ago by Mr. Salas. I hope you got the letter safe. All the ladies here are working very hard for the poor soldiers. Pheabe is almost crazy to hear from her sister. They are all well and send much love to you. Caroline and all the Dibbles beg to be kindly remembered to you and George. Sammie and Mr. Smith are away on duty. When you write let us know if you ever hear from the Fryers. I should like to 261 know if Gussy is married yet. Have you seen Mrs. Shaw lately?

Give all our love to her, and tell her we are ready to fight the Yankees by land; if they would land we could whip them, but they are afraid to try it. I feel as if I could whip a dozen of them myself. I have nothing more to tell you, as Lewis is writing you all the news. Love to George; do write soon.

HARRIET.

In envelope addressed: "Mrs. Anne Cornish, care Mess. Cunningham & Co., moulding mill, corner 1st ave. & 27th st., New York.

D, No. 10.— H. H. E.

262 NEW YORK, *Obre.* 10, 1861.

Sr. Dn. PEDRO DE LLANO, *Habana:*

Mi querido amigo aprovecho la ocasion de la hida á esca de un amigo pr. accirte qe. recibi la tuya por el karnak é iqualmente la de Pardiñas á quien le manifestarás mi sentimiento por su desgracia.

Yo sigo sin novedad en mi importantisima salud y viviendo muy alegre y á uso de perro, el dea 14 salgo para esa en el karnak, mis recuerdos á todos los amigo y amigas especialmente á mi cariño el de el luner y á su mamá y tu cuidate mudio hasta el dia 20 que te de una mordida tu amigo.

RICFOR.

In envelope addressed: "Sr. Dn. Pedro de Llano, Escritovio de Dn. A. Ferran, Calle del Baratillo, Habana."

D, No. 11.—H. H. E.

263 NEW YORK, *the 10th of October*, 1861.

DEAR PETTER: The 1st of int. I have been maried with my sweetheart, my dear companion of my life, Emily Smith, the American lady who belongs to the high family of this city; but I do not take care of it because I like much better her heart is good enough to make me happy, and I am able to know to go ahead, therefore she understands to dressmaker by machinery at any kind, and she is able to command a family house, besides she has studied some y'rs at the college and understands some medicine. I wish to go to that place in working dresses

& to teach the English language and other things; dear friend, I wish to request you if you can look for any house in good place there, it must be at the centre of the city to commence our business. We only are able to pay our passage to go there, but we are in need to buy somethings so that we have no money enough to go tell Pto Pre. Our expenses shall be short; she is a good cook, baker; understands the art of pastry and everything, and after her work she is good enough to attend all visits at the saloon, so that is good servant & good lady, too. I have no time, and please excuse me.

Your truelly friend,

PUIG.

264 N. YORK, *Octobre* 10, 1861.

Sor. D. PEDRO NN. DE ZAYAS, *Pto. Pre.* (*Cuba*):

APRECIABLE AMIGO: Aun no he olivdado las molestias he causado á V. con mi ocupaciones y aun no puedo cesar de ocuparle en tiempos prosperos ocupe á V. por cantidades crecidas gradullas dependia guizas el buen nombre de mi conducta; hoy las circumstancias son harto tristes para mi y no pretendo ocupar á V. apreciado amigo en cantidades: solo guire se sirva ver si puede consequinse alguna casido pegueña con tal guerra barato y en el Centro as la poblacion para poner una esprice ó salon pad hacerme cargo de todo clase á trabajos de vestidos para Sor. y cuanto corresponda á adimos concorse pidi para el efecto cuento con la habilidad de mi Sra. Dn. Emilia Smith de Ping y tue yo esperanza con su union poder hacer alguna cos á meyor dutro me asiste la esperanza de progresar. Le purecerá estrano mi repentino entace pues he complido religiosamente con mideber de hombre de bien, pues á elle le debo la ecsistencia guiyas por elle notre pasado miseria por tanto descando pay asle an generosidád con mas el cariño que habia puestro en una

emplido en es persone digna de todo aprecio he dicdo antes que
265 es persona digna, bien educado, y de talendo no muy limitado á demas tiene ma nueva como de cuatro anos ai dedad—que será el portendo Americanó, bien qui mi Emilie lois y que el hombre siempose ha de procurar puese emprendir le currera del matrimonio se require encoltrar una persone de talento, que acompane su voluntad, y saber trabajor. Dn. Pedro si á V. le espaul guarme mia lebrito de una cantidad por pegueña que se made mas que para proan no dudo payasle en el momento, por me parte si nopuedo ocupane en el comerico me ocupare en union de mi. Sro. endar leciones de Ingles mejor dicho ella puede darlos connui aguda para las esplicaciones en español ernico medio de podor consaqué una buena procorviacion por notiva del idiome ingles. No dudo que V. tomará en consideracion pues V. comprende mé genio y cirando acupo á un amigo es grogru me haze falta ese pegueno reconso que no tengo con guien contar sino con V. Yo en union de Emily saludamos á V. Josepita y demas familia cordialmente recibiendo mil besos á mi liuda Ascenable mi hipastra.

Soy siempre su affmo. amigo Q. B. S. M.,

S. PING.

In envelope addressed: "Sor. D. Pedro Nn. de Zayas, Pto. Principe." D, No. 12.—H. H. E.

266 SUPLICO: D. Pedro no pierda de vista mi pilicion pues de en solucion pende mi bienestar pues es mucha lo necesidad que tengo y confio muy mucho tan luego vesya y me pongo á trabajor le podré muy bien pues con mi compania podemos muy bien adelantar y los

gastos seran muy contos. No olvide nuestros recuerdos á todo la familia en general hoy no tengo tiempo.

Vale.

D, 12.—H. H. E.

267 CHARLESTON, 15 *Noviembre* 1861.

Sor. Dn. ANTONIO MALGA, *Mataro:*

ESTIMADOS PADRES: Privado pon mucho tiempo de sus gratos escrito, aprovedro la ocasion segura, qué hoy tengo pr darles notinas nuestras, pues supongo, qué crial nosotros mismos, estararo Vs. ansiosos. Aqui estamos sintiendo terriblemente los efectos de la guerra, pues, han un ano qué nadie gana un céntavo, y si por el contra rio, los gastos han amentado, pues mudras provisiones y ropa, cabrado, etc se han pueste á un precio ecsorbitante, de moda qué muchas familias sufren ya, y si dura mucho el blogueo, ni si francamente al estado en qui llegaremos. Han unos, diasqué la Flota N.-Americanos, ataró Port Royal, un puerto, á 60 millas de esta, y tomó posesion de él, lo cual ocasionó un panico en un pueblo immediato tan terrible, que la gente se huyó, abandonando cusar intereses, y todo crian to tendian. En vista de este, se hán ido de aqui tambien muchas familias, péro en mi concepto la Flota no intentará venir á esta, pués saben lo bien fortificado qué está Charleston. Esten pues tranguilos en cuan to á nosotros pues, aun en ese desgraciado caso, nuestras vidas é intereses, es de esperar sean respectado
268 por Epesteneca á la Bandera Espanola, á cuyo fin esta yá todo convenir do con los Consules. En una palabra, no pasen absolutamente ningron cuidado por nosotros—pués unidamente esde sentir los efectos de esta guerra, por los enormes perdidas qué causa el comercio, y qué de duran sundro, crean qué todos los de aqui vamor á arrimarnos. En fin, Dios sobro todo en estos casos.

Hace una semaria, qué con Francisca y los niños venimos á esta, y todos G. D. estamos buenos deseando vér las cosas mas decididas ó por lé peos ó por lo mejor, pués esto de estár siempre lo mismo, es irresistible. Emilio Ping por repetidos veces mé ha insinuado desde mucho tiempo, qué deseaba visé á Cuba, doside tal véz encontraria ocupacion, pués el es tar aqui sin hacer nada serviendo á costas muas, les repugnaba. Yó le pine varias reflecsiones á las cuales, no há atendido, asi es qué no hé insistido enge. se quedára, pués le hé viste muy decidido y ademas porgué conozco en parte, lo deságradable es pr. un jovenel estar sin hacer nada. Dios lé dé suerto, y qué se acabo pronto la guerra, pr. qué vuelva entre nosotros. Pa. ello se lé hé presentado la favrable ocasion de un vapor español qué entro aqui cerca, de arribada, pr. ir con él, y asi
269 saldra sin ningun riesgo de ser tomado ó preso por los briques bloqueadros. Le hé dado varias costas de recomendacion pr. Cuba, y no dudo qué será alli bien atendido. Quien tenea qué deurme queridos pardres, qué tendria yó qué verme en estos laberintos? rodeado de disgustos, pérdidas y zorobras? En fin paciencia y confiansa en Dios.

Sin nias, solo les pido qué me escriban por via de la Habana, esto és direjan las costas á Mariano Casles, pr. qué el me las mande aqui, al cuidado de consul español, Sor. de Moncada, por alguno de los buques qué constantemento vienen de alli, forzando el bloqueo.

Yó sigo aun en la casa, porqué en el desorden en qe. se halla actualmenta todo agin, y sin negocia de ninguna clase y sin saber acue si tendremos qué salir, seria una imprudencia, el pensar establecerse.

Sin otro particular por hoy, scriban abrazos de Fca. besos de los

niños, y el corazon de su hijo, qué mas querriera vesles qué escribortes y B. S. M.

VICTOR.

Besos á los subrimlos y abrazos á Vilade Hall y Carolina. Repito no dejen de escribirme, dirijiendo las cartás á Mariano Carles con
270 encargo á este, de qué mé las remitas, dirijicado inclusno á la casa, sino al cuidado del consul español M. Moncado.

In envelope addressed: "Sor. Dn. Antonio Malgá, Mataro, España, Catalinuo."

D, 13.—H. H. E.

271 SAVANNAH, *November 9th*, 1861.

Capt. WM. H. GLADDING,
*Habana, Cuba:*

DEAR SIR: Enclosed we send full account of the Yankee naval fleet, list of officers, vessels, &c., which made an attack on Port Royal & Hilton Head. We are in hourly expectations of their making an attack on our city. A general depression in business and a stampede of all the women & children. Mr. La Roche & family left this evening; Mrs. Belle & family leave on Monday. Your family will be taken care of. We have been sinking vessels in the channel, to prevent their entering with the large gunboats, and are making every preparation in our power to prevent their making a landing in the city. We send this by sailing vessel from Charleston, under Spanish seal, which no doubt will pass without trouble.

Foot's vessel is still in Charleston, not able to get out, as all communication is cut off by *note*. You will see by this the position of the fleet, which will only make it prudent for you to make a port as far south as possible.

272 It is thought by many the next point of attack will be Brunswick. Eagle & Hardy have not yet arrived. Government is taking all the provisions in market. Great excitement. Many are trying to ship their goods, which has been put stop to by Gen'l Lawton and the mayor. We are indebted to our old friend Martin, ex-Spanish consul, for forwarding this. We all wish you a safe and speedy return.

Very respectfully,

LA ROCHE & BELL.

272½ (Indorsed:) E No. 1.—H. H. E.

273 MOUNT PLEASANT, *Noviembre* 16, 1861.

MIQUERIDA EMILIA: Aprorecho la salida de un buque que vá poco Cuba para escribirte y dante las noticias de la guerra y de los aconteimierto palpitante del momente; el dias y se presentaron á la entrade del vio en Port Royal mas de 65 buques de guerro acallaron con sus treciente cincuenta cannones los trece cañones que habien en 2 partes provisionales situados á dicha entrado del vio y hecieron por suqueste qué nuestra jente los abondonare con muy poca perdida de vides milagrozamente subieron él vio y andaron á milla y media de la ciudad de Beaufort cuyo posicion han conservado haste la jecha; la dicha ciudad de Beaufort, que esta á memos de 12 leguas de Charleston pasido abandonada por todos sus habitantes y se hablaba de que marla; los hocendados de los orillas del rio estan quemando sus casas, campos y cosechas principalmente el algodon para que nó carga en trataran de pontificarse en Beaufort ó en la entrada del vio y mandaron á brescar mas tropas pues ahora no tienen mas qué 13 mil hombres, para empezar

la compaña en tierra pero aqui estarán preporados á dárles un bien recibimente y generalmente se cree que no pedrán acercarse á Charleston aunque tal ver durante todo el invierno tendremos al enemigo en
274 nuestras costas. Tambien Savanah que esta muy cerca de Port Royal se ve amerazada y tambien hablan de otra armada que ira á atacar á New-Orleans, pero se duda que sea muy memeroza por que la que han mandado á Charleston les ha costado mucho tiempo, dinero y trabaja y ahora mas que nunca estan los destinos del Norte pendientes de un cabello y prontos á pundirse en él polvo al mener veves; conocera que todo esto que te he escrito me lo ha dictado Chicho, el no te escribe por qué está muy aflvecesirado y ahora con las nueve de la noche y mañona hay que entregar las cartas, el dia cuatro salio Francisca de aqui con otro cargamento de arvoz por cuenta de otros; Joaqin nó te nó parte en esta espedicion con el te escribi y te mandé tres cordones de ceda para la cinteron y dos cinterrones y te mandaba de cir muchas coyas y que te do aque esta muy curo principalmente los viveres por qué hay una partoda de especuladares que estan ha ciendo su agesta y aprove de al do. se para llenarse él bolsillo.

Nosotros toda via pernacemos en Mount-Pleasant por qué todo via puy taler y enfermedades en Charleston, de salud estamos bien solamente Clementina que esta pupiendo mucho de un dedo de la mano izquirda; pr. inco con uno agujan y se le ha incluido y le duéle mucho y hace.

275 CHARLESTON, *Noviembre* 14, 1861.

Sr. Dn. MANUEL NATHAN:

ESTIMADO AMIGO: Al fin la guerra hallegado ó muja dicho emperado en Carolina del Sur; ya abran Vd. la toma de Port Royal impento entorano abento á la entrada all no en que esta situado Beaufort aperar de que la defensa era impossiblé y del terrible armamento de la flota de la Yankees, 20 ó 30 canones de nuestra poste contra 300 que tienen ellos, el combate duro mas de cinco horas les matamos almenco 40 sur cintas liendy danomes bien alguna buques y al finmers tras tropas seretiraras confindid de 300. 40 nuentas y otros tantos hiandas ni á penden un prisonero; todo esta hito danles una biena recibimiento me atreran á mencan fuera de la proteccion de sus canones. Parme impossible qué puedan puestrar en Charleston sice que lo intenden. La familia que ran en Mt. Pleasant carlante tranquila y dirente da alli y yo á la misa de entar que coran ningun peligre. Espero que habran Vs. recibido qué la centas queiobuines, primero por sopen y duquen peu Yalas Estas ran por an buque español que rele de Georgetown.

Mil unos á Mancanita y pues espute de todes mil afectos á todos
276 la amigo y en su famil dé suen Palma una sermona de esto y apesar de infinidad de remedios que se ha hecho ni se le quitana los dolores ne se le desinflama y me parele que se preciso abrirle él dedo segun dice el docter por qué no pe le formana el punor jueva sino junto al puéso deseco saber como estas tú y toda la familia. Dios quiera qué Francisco pueda solver con toda felecidad y me traigo tui carta.

Recibe eppresiones de todes muy coriñoja abraza á Morianita y Nathan en mi nombre mil cosas á tuitui y hé recibe el curiño de tu permana Julia.

Se me olvidaba decirte que él tiempo esta ahora aqui en Mount-Pleasant lo mismo que en Cuba en los meses de Diciembre y Enero con la misma temperatura y todavia todos los arboles tienen hojas y todo esta verde; todos los dias salimos á puscar én él tilbury ó á pié. Clementina esta mejor del dedo y apesar de tode lo que le ando no se ha recopido nunque dia en el cuarto.

In envelope addressed: "Sr. Dn. Manuel Nathan, Habana, cermo calle del Feclipan, No. 2."

E, No. 2.—H. H. E.

277 [Translation.]

MOUNT PLEASANT, *Nov. 16th*, 1861.

MY DEAR EMILIO: I take advantage of the departure of a vessel for Cuba, to write to you, and to inform you of the trying events of the day.

On the 6th more than 45 ships of war appeared at the entrance of the river, and with 350 guns attacked 13, which were in two temporary forts situated at the mentioned enterance of the river, and, of course, our people had to abandon them, with very little loss of life.

By some unaccountable circumstance, they *as* ascended the river and anchored a mile and a half from Beaufort, at least 12½ miles from Charleston. The former has been entirely abandoned by its inhabitants, and the question was of destroying it by fire.

278 The planters on the banks of the river are destroying (burning) their dwellings and crops, and principally their cotton, so that it may not fall into the hands of the Yankees.

It is said that the northerners are going to fortify Beaufort or at the entrance of the river and have sent for more troops, their being no more than 13,000 men to begin the campaign by land, but the people here will be prepared for them and give them a warm reception.

It is generally believed that they will not be able to approach Charleston, though perhaps we shall have the enemy during the whole winter on our coast.

Savannah, which is very near Beaufort, is also threatened. It is said that another expedition is going to attack New Orleans, but that is doubted, for that against Charleston has cost much time, money, and labor, and now, more than ever, the destiny of the North hangs on a thread, and at the first reverse will be ground to powder, &c., &c.

The remainder is of no importance.

278½ (Indorsed:) No. 2. Translation. E, No. 2.—H. H. E.

279 [Translation.]

SRA. D. DOLORES SOMAS.

DEAR MOTHER: It is a long time since I heard from you, but that does not surprise me, considering that all communication between the Southern States and the North are stopped, and besides we know that all letters for these States are detained at Washington.

The sending of this is by a great chance afforded me by the departure of a cousin of Malga, who sails to-morrow morning as bearer of despatches from the Spanish consul to the Captain Genoralcy, Havana.

The sailing of the vessel being endangered by the blockading squadron, it has been decided to leave by night, so as to avoid being taken prisoners by some of the ships, and it will be lucky if you receive this safely, and you may return thanks for it to a Divine Providence.

Jaanquileno,

TRANCOLINO TOMAS.

(Indorsed:) E, No. 3.—Translation.—H. H. E.

280 23RD OCTOBER, 1861.

MY DEAR MARIA: A kind gentleman has offered to send a few lines for us, so I thankfully accept his offer, and write to tell you we

are all quite well except sister H., who is sometimes very ailing, and then for days is better. A. A. Otis is taking a tonic to strengthen her, but she is all about. I am better than I have been for years. I wish I did know pa's present state of health, and what he thinks about our staying here. Sister cannot undertake the journey via Fortress Monroe—will be too exciting for her. We heard Alabia on Saturday last from N. Y., and saw a gentleman who had been much with him until Arabia sailed. He was quite well, and had had a warm welcome from his friends. We have had five letters from him, and have told him of our last news from you, 19th of September. Maria Warner quite well last week. Please write the following, and oblige our friends: "For Mr. John Caldwell." Your brother has gone to Europe to remain during the war. He has followed your advice on most points. Your
281 letters were all received, but the reply, with power of attorney, was seized. This is important. Mrs. Roberts died on 13th inst. Let Mary know. Congratulate Mrs. & Miss Brown on their brother's release. Mrs. DuC. well last Friday. Hoping you may get this, with our united love, and a prayer that God will keep us all, I am your sister,

EMMA.

Tell Amelia Robbie is quite well, & growing tall. Miss Courtenaye spent a morning with us last week. All were well then.

In envelope addressed: "Sr. Dn. Rafael L. Sanchez y en su ansencia. Sr. Dn. Augusta R. Ponjand. Matanzas, Cuba."

E, No. 4.—H. H. E.

282 CHARLESTON, S. C., *Nov. 11th*, 1861.

Mess. MORALES & Co., *Cardenas:*

DEAR SIRS: The annexed is duplicate of my last respects of 2nd inst., to which I have now to add that seeing no chance of getting a decision from the judge within a short time, I see myself in the necessity of going without it, and shall probably leave by end of this week in the Prince of Wales and English brig direct from Havana. The recent bombardment of Port Royal, taking of the batteries by the enemy, and reported burning of Beaufort, have created the greatest excitement and consternation here. Business is scarcely thought of, and when the consul solicited judge for a decision yesterday, he replied, "Can you suppose that I can attend to private business now that we are in danger of being prised ourselves?" I believe, however, he has formed his opinion long ago, but being in our favor does not want to come out with it.

Hoping to be soon with you, I remain, dear sirs, yours regardfully,

M. H. LOSORT.

Another vessel from Bangor to Cardenas with shoops & lumber has been captured by the Sally. I am trying to find out the consignees of the Betsy Ames.

283 (Duplicate.)

CHARLESTON, S. C., *Nov'b'r 2d*, 1861.

Messrs. MORALES & Co., *Cardenas:*

DEAR SIRS: My last respects were under date of 26th ult'o, sent in duplicate by two different opportunities, in which I advised that our case was still waiting for the decision of the judge. I regret that I cannot report differently to-day, although the court has much less to do

now, and the judge has gone through the most important business. His opinion has not yet been given. If I did not consider it utterly important, and necessary to await this decision, I should have left already a fortnight ago, as it appears to me that the judge does it on purpose to defer the final verdict for some secret motive, which I do not exactly know. I am told by everybody that he is generally very prompt, and this is what makes me believe it. In this way he may keep me here for months, as nobody can force him to anything, and it depends entirely on his good-will whether he will despatch me sooner or later. Should I find it out that he really has intentions to make me wait, and which next week will prove, I will be obliged to leave for your place
284 without his verdict, although I do it very reluctantly. This would prevent me to carry with me an exact statement of the proceeds of the cargo, and of all different expences, and in case of a decision against us, new documents may be wanted, which perhaps we may not be able to furnish at the proper time, considering the unreliable communications in case of my having departed before. These are the motives which keep me here. To carry exchange with me is now out of the question. Bills are not obtainable below 25 % prem. I did not ask Morduai yet about bills on Cuba, but do not believe he has any to give. The cargo of the John Welsh, from Trinidad to London, condemned, was sold yesterday by order of the prize court. Sugars of the same quality as those J. Joseph brought from 6½–8½ c.; prices are tending down, the Louisiana crops being expected to surpass in quantity all former years. The lowest estimate is about 500,000 hhds., and fair grocery qualities in New Orleans worth 4½ c., adding expenses of transport to this place of about 2 c. The best quality will soon be obtainable at from 6–7½ c.

I am, dear sirs, yours respectfully,

M. H. LOSORT.

285 Letter was in envelope addressed to "Messrs. J. M. Morales & Co., Havana, Cuba."

E No. 4.—H. H. E.

286 BUCKVILLE, S. C., *Nov'r 16th*, 1861.

Messrs. J. M. MORALES & Co., *Havana:*

GENTLEMEN: We avail ourselves of the opportunity by a Spanish steamer now here in Ovites to write you.

We have taken the liberty to enclose you a letter to mail to our correspondent, L. T. Knight, esq., Martinique. The letter is of much importance to us, & by forwarding to him you will confer a special favor on us.

When our troubles are over we hope to renew our business with you.

We are, gentlemen, in haste, very truly yours,

WRIGHT & BUCK.

Above letter in envelope addressed: "Mess. J. M. Morales & Co., Havana, Cuba."

E, No. 5.—H. H. E.

287 BUCKVILLE, S. C., *Nov. 10th*, 1861.

L. T. KNIGHT, Esq., *St. Pierre Martinique:*

DEAR SIR: We avail ourselves to write you a hurried letter by a Spanish steamer now here in distress, but will sail soon. We have to say that we have not had the pleasure of hearing from you since the troubles in this country have commenced. We ordered you to remit to

Messrs. R. P. Buck & Co., New York. We have not been able to learn even from them that they have heard from you. We take it for granted that you have remitted them. They, of course, cannot collect them (the d'fts) without our order; perhaps it would be well to advise your bankers at Paris we have not indorsed the d'fts. There have been four cargoes sent you that we have not heard from. You can write us by the English mail steamer via Tampico, Mexico. We can only hope that our political trouble will by the spring be settled and business return to its ordinary channel.

288 We would ask the favor of you to write to Messrs. Latimer, Turrell & Co., Mayaguez, Pto. Ric, and say to them that we have not received the remittance for the last cargo sent them, and that they will advise Messrs. J. V. Onativia & Co., at N. Y., their correspondant there, not to pay it to any one until they hear from us.

Please write us immediately via "Tampico, Mexico," care "Costra" foreign mail.

Very respectfully, yours,

WRIGHT & BUCK.

In envelope addressed: "L. T. Knight, esq., St. Pierre, Martinique, via Havana."

289 SAVANAH, 9 *Noviembre* 1861.

Mis gueridas y nunca abridadas hermanas y demas familia me alegrare que al recibo de estos renglones se hallen vds. todos buenos nosotros estamos buenos á Dios gracias pero en medio de una guerra que nos amenasa como ya vds. sobran pues ajer ha principia do én nuestro costa, y ahaca los esperamos en ela cuidad, porque como estan tan cerca no pueden memos que venir, pues ya hoy han principiado á vise todes las Señoras y meñes porqué si espera que nos ataguen, pero Dios esta á nuestro lado, pues no hay modo como salir de la cuidad par mar ni par tierra, pero esta innernio la guerra se ha de conduir porque no se puede soparta ni ellos ni nosotros es demasiado gasto, pero si ellos vienia par tierra seremos victarinos, porque en tierra tenemos la ventaja, pero no par mar pues han undidos mados buques en la loca del Rio para que no entren en la cuidad, queridas hermanas pues vds. no dejan de saber de nosotros aunque las cartas bande contrabando, pero tenge perra, que no podemos saber de vds. pues de papa han cuatro meses que no sabermos, ni sabermos harta que la guerra si acabey vds. habea ya recibido las cartas que mandamos por un vapor y el quequi de casamiendo

290 pues decirbe á Magdalena ahora en este momento ni deciro que podia escribo que ela á saler un buque para la Habana, de modo que pense que con escribide á vds. que seria lo mismo, dile que en cuantro laguerra se acabe que espero en Dios que la rere, pues ella sabe que yo lo escribo hace tiempo, pues no pue do escribi mas me despido de todes mernacias de torry y Joseferrce y nicas que veris dessor nuestra hermano.

JUAN FERNANDEZ.

Queridas hermanas no sire que escriban hasta que yo avise, porque no las recibiria adios, adios adois, para no para siempre.

In envelope addressed: "Cataluna, Sor. D. Franco. Sagaser, tienda de Sastreoia ysa Da. Dolores Fonias, calle la Rieria, Mataro."

E No. 7.—H. H. E.

291 GEORGETOWN, S. C., 1861.

Messrs. J. C. BURNHAM & Co., *Havana:*

GENTLEMEN: You will confer a favor if you will be so kind as to mail the enclosed letter to Newport, R. I., United States.

Yours, respectfully,

B. J. HAZARD.

NOVEMBER, 1861.

W. C. CONZDON:

We are served with notices to appear before the Confederate court on the first of January next, in order to ascertain the amount of your property; also Tillezs, in order to sequestrate it. We are all well as usual.

Yours,

Above letter in envelope addressed: "Messrs. J. C. Burnham & Co., Havana, Cuba."

E No. 8.—H. H. E.

292 CHARLESTON, *Nov. 9th*, 1861.

MY DEAR CHILD: Our fears were somewhat relieved on receiving three letters—one of an old date & two of the 21st of October. We somewhat expected you all in the Gorden, but it was well you did not return in her as she encountered a heavy gale and all the passengers had to work very hard, and that would not have done for you. I write you this by quite an unexpected opportunity, which will be accompanied with some late-date papers, which I hope will be received safely. I have written you by a vessel which left here for Matanzas—I think it was about the 15th of October—with some papers sewed up in one of your night-shirts, which I hope has reached you. Mr. Sallas has since left and taken a letter for you from Bill's wife, and I have sent you little George's likeness. He has promised to see you himself, if possible; but his stay in Matanzas will be but one day. His business is in Havana at present. Your father will write you by this opportunity if he can get a moment's time. Our city is in great excitement.

293 Yankees, it is supposed, have landed on the Hunting Island, in the vicinity of Beaufort. All the females have been ordered to leave. A great many arrived here in the boat on Monday. All the Bell family are home and are staying with Sam Black. Ann Oswell is expected; she will stay with Lizzie Axson. Waring has left with his company. Sam Black and Francis Charles have left. Joe Dawson has also left with his company. Go out in the streets and it looks warlike. So many soldiers makes one feel sad. Basit left us this morning to go with his company. I felt very sad when he took leave of us all, and he gave me his chain, studs, & sleeve-buttons to take care of for him. I wrote you that your aunt and family had left for up the country. Basit has been on a visit to them. Emma Sarah has been very ill with fever, and is still quite sick. When Basit left, they went too soon, and all have been sick. Emma has been more sick than any of them. This letter and papers are to be sent by a capt. of a Spanish steamer put into Georgetown in distress, and he has offered to take letters and papers for your uncle. He has written to Johnny. Your father has not received

294 the segars you mentioned in your letter you had sent him by Capt. Perry. Bill saw a young man who came on in the Gordon

that told him he spent the evening with you. I think his name was Covert; I am not sure, but I think that was his name. Bill told us. He thought you were looking very well, and of course Bill inquired about your cough, and he told him he did not observe that you coughed in his presence; that cheered us up very much to think you are able to converse without coughing.

I am very much hurried. Your uncle is waiting to take this to the capt., so I must bring it to a close. Your father begs me to say he will not have time to write you by this opportunity, but hopes he will be able to write by the next. Mr. Homs Rivers is dead. He was sick 8 weeks with fever and bowel effection. All your friends, with all in the house, send love. I suppose Johnny is a father by this time. If so, do give my best love to them both and much joy. Miss Jane sends much love. Forgive anything amiss in this as I am in great haste; no time to read it over. Love to Charles Booth. I hope you are with Johnny, as you must find it very lonely. I often think of you in your loneliness. Hope to hear from you soon.

Your ever affectionate mother,

E. L. H.

295 Letter in envelope addressed: "S'r Don Carlos Booth, for George A. Heriot, Matanzas, Cuba."

E No. 9.—H. H. E.

296 CHARLESTON, 27 *de Octbr.* 1861.

SOR. D. FRANCO. SALA:

MUY SOR. MIO: De mi mayor aprecio sin duda habrá Vd. estranado el silencio que les guardo hace ya muchisimo tiempo. Supuesto que por otra parte creo estará Vd. enterado de los aconlecimientos habidos en estos Estados del Norte y Sur-America, pues bien Sepa Vd. que hace 6 meses estamos bloqueos en esta la ciudad de Charleston, privados de todas las correspondencias y correos para estos Estados, que forman hoy dia la nueva Confederacion Meridional. Sin embargó de esto he tenido la proporcion de un amigo mio que sale para la Habana el 29 del que vipe, espuesto á ser prisionero del bloqueo Norte-Americano, pues que el bugue ya sale de noche de Charleston por no tener tanto viesco que saliendo de noche muy facil se pueda romper el bloqueo, asi es que estando doce millas á la mas no hay ningun derecho á hacerlos prisioneros.

Esperamos de un dia á otro estalle la guerra del Norte-Americano contra el Sur de la Carolina, pues la guerra ya estallo hace 6 meses pero el origen de los Norte Americanos es invadir la ciudad de Charleston, Capital 1ª Orden.

Notable mas de este asunto presumiendome estará Vd. un poca
297 enterado de los ocurrios debates que particularmente Vd. que trata con algovones puede formarse una idea de la situacion en que se halla este Estado.

Espero con ansia saber algo de Vds. pues que hace largo tiempo no he visto ningun escrito sabevor de sur salud esperandola de un momento á otro, aunque haora es impossible conformandares. Sera hasta cuando Dios quiera. Sirviendose Vd. dar dos mil recuerdos asu hija Angela que no me culye en mada, si no ha tenido ningun escrite mio mucho tiempo pues esto es culpa de la mala crisis que atravesamos pues me he consideraso siempre muy capaz de cumplei. Si algo he prometido le dirá Vd. de mi parte que cuando hayan correos en este puerte le escribiré por

el tiempo que he estado sin escribirle á la causa de no haber podivo efectuardo por estan interceptados de correspondencias en este punto.

Mil abrazos á todos, mande Vd. á su muj atente y servidor que lo quiere de verás.

TRANQUILINO TOMAS.

In envelope addressed: "Sor. D. Franco. Sala, Presente."

E, No. 10.—H. H. E.

298 SAVANAH, *Nov.* 11, 1861.

QUERIDO PAPA: Aprovecho de la salida de un buque español y de travesia entro aque de Nueva York con avecias y sale hoy pa. la Habana pero no se puedo aros marchas de aque no porque le detienen pero no puedo arreglar mis negocios ni cobrar nada, y no creo prudenta salir y dyas detros lo poco qe. uno tiene. Aqué estamos esperando de un momento á otra un ataque por mas qe. no deba les flojo tambien deban venir buque de Guerra Europas, y uno de ellos jiemo embassar á Gertrudes por lo qe. pudies á laceder.

Hace pocos dias hizieron los de Norte un ataque sobre las costas de la Carolina del Sur, estes ultimos perdieron sus posicions y tubiera qe. abandonar todo pero qe. el deños Norte no le alabe mucho de esta gran batalla, pues qe. tomardes batteria de unios venite canones la ajedicion Linconista to compania de unos cuarenta y pico de buque todos de guerra tos de ellos con 51, 55, & 57 cañones cada uno, el Sur ha perdido unas costas de importancia no pr. la posicion pues por la rigueza de ellos.

Supongo un escribera á la Habana, al cuidad de Gomez y Salas 80 oficein y ellos haran por mandarme lo qe. reciba.

299 Estos bentos tendran y tienen ya mucho tiempo con esta funcion, anos y creo durara.

Eprecion y abraza á todo la familia.

Lulieja,

PEPE.

Mi queosido papá estomas buenos apesos de la grande alarma en que estamos pues tenemos á el encurigo ya casima, esperanda de un momento á otro que lo mena Enta de modo que todes estos atarde dos sui sober queosea mique pyresar mucho desedo tengo de sabuide V. pero alios to he mondo podre tener sesguste de nesbir carta. Sin mas poroso que me moriosa á todes con el asino de su hija.

GERTRUDES.

Misquerida Dolores y pepa por paqua buen todo lo que ocere no tengo tiempo para mas na mòrlas á todo con el casino el buestra hermana.

GERTRUDES.

In envelope addressed: "Sr. D. Gomez y Salas, 80 Calle oficion, Habana.

E, No. 11.—H. H. E.

300 CHARLESTON, *Novbr.* 12 1861.

Vielgeliebter Simon nebst l. Familie. Endlich nach langem Schmachten biedet sich einmahl wieder eine Gelegenheit dar, uns wieder einmahl ein wenig zu underhalten, und was fon uns hören zu lassen. Leider wie sind wir auf einmahl gedrent, kein Word will ich aber erwähnen damit du l. Simon in keine Gelegenheit kommen kannst, ungefähr

3 Wochen zurück ging ein Schiff fon hier weg nach Havana, und sobald wir es hörden schrieben wir gleich an Euch und auch nach Deuschland, da wir wissen in velcher Verlegenheit Ihr seid, und es uns so sehr kränkt das wir so abgeschnitt sind, aber das Schiff ist zu Grunde gegangen. Wie geht es Euch, den meine lieben, hoffend seid Ihr mit Euren l. Jungen recht gesund & möche Euch dieser zur Freude heranwachsen, damit Ihr nur nicht als Gutes fon Im erleben möget, Amen. Wir sind mit der gödlichen Hülfe alle recht gesund in unserem grossen Drobel, und so weid hat uns der Ewige noch beschützt, obschon die Gefahr nahe ist, aber der gerechte allmächtige Richter wird alles den rechten Weg lenken, ich hoffe l. Simon und Jedchen das Ihr unsere Stelle ver-
301 dreden wird, und recht oft nach Deutschland zu schreiben, Ihr könt ja keine gröszer thun, die verzweiflen ja drausen, ich bin sehr betrübt über sie, da ich weis wie sie sind, liebes Jettchen was machst Du den, hoffe das Du recht gesund bist, nehme Dich nur recht in Acht bei dem kalden Wetter in der Nord, auch die l. Bella, hoffe das sie sich gut in recht nehmen und das l. Kind, damid sie nicht Kald bekommen, auch das euer Geschäfft gut gehen wird und ihr mit nichts ein Anstant haben währt, das ist alles was ich im Augenblick bemerken kan, und uns schlieszen da die l. Tandte auch schreiben will, und wir vollen auch gleich nach Deutschland schreiben, ich kann so eben her, und d. l. Onkel hörde for der Gelegenheit heude Nachmittag, mein herzliche Grüsze und euer l. Eldern, ich mus schlieszen und verbleibe eure ewig treue und nievergessende Tandte,

R. JACOBS.

In envelope addressed: "Miss Clara Fernandez, care of A. Aharey, Gibraltar, Spain."

E, 12.—H. H. E.

302 CHARLESTON, *Novbr.* 12 1861.

Meine theueren und ewigliebenden Schwestern, nebst l. Männern und Kinder. Mid groszer Freude ergreife ich die Feder nun euch meine Theueren wieder einmahl nach einen so langen Schmachten fon uns hören zu lassen. O wie kränkend ist das fon uns euch meine l. so Schmachten zu lassen nach Brief, ihr wird aber wohl wissen das es nicht Nachläszigkeit ist das wir jetzt leider so gehend sind, ungefähr for 3 Wochen hatten wir eine Gelegenheit durch einen Frensch Stimmer und benuzden es sogleich, das Stimbohd ging aber zu Grund und so habt ihr gewies dem Brief nicht bekommen, wie geht es euch den meine Lieben, hoffend seid ihr doch alle recht gesund fon Gott, was wir euch fon unserer Seide mit der göttlichen Hülfe bestens versichern können, wir sind freilich jetzt ein wenig aufgerecht bei diese kriecherische Zeiden, aber der gerechte allmächtige Lenker wird alles zum Besten lenken und s eine milde Hand über uns halten, P. v.) der ist ja der beste Helfer.

Krenkt euch doch nur nicht so wegen den l. Elias, der ist schon
303 ganz gud versorgt bei den l. Brude, da das doch ein dichtuhr Mann ist, der liebe Gott erhalte ihn doch nur gesund bei seiner l. Familie, wir bekommen öfters Briefe fon ihm, die Geschäffte sind jetzt wie abgeschnitten hier, da doch nichts hin und her kann, da wir eingeschloszen sind mit den Kriegsschiffen und man kann auch gar nicht sachen wie lange es dauer kann, auch gratulire ich euch herzlich zu den l. Simon seinen Jung, hoffend hat er es auch angezeicht, wir konnten schon seid 3 Monathe nichts fon ihm hören, ich weis für diesmahl nichts besonderes zu schreiben und hoffe das wir recht bald mehr erfreuliche

Briefe schreiben können, haldet euch recht muter, dieses ist der heiseste Wunsch fon eurer ewigtreuen Schwester,

R. JACOBS.

. Grüszet und küsset ein jeden besonders fon euch.

In envelope addressed: "Miss Clara Fernandez, care of A. Aharey, Gibraltar, Spain."

E, No. 12.—H. H. E.

304 SAVANNAH, *4th Nov.*, 1861.

CHER FENUL: Je vous écris ces quelques mots, pour vous dire, que nous sommes dans un grand embarras. Les Federals ont envahi notre sol, et nous ne savons quand, ni à quel moment nous devons nous sauver, mais où aller? Je ne sais. Dans le haut de la Georgia quoi y faire? Je pense que si ça vient à être pris, je vais me mettre sous la protection de notre drapeau et puis je verrai. Si Felis est à N. Y., dites lui de ne pas venir, mais qu'aussitôt je pourrai, j'irai le rejoindre. Je me porte bien, ainsi y est Émile, et j'ai du courage surtout maintenant que le danger est près de moi. Dites à Felis de ne pas se tourmenter, je parviendrai et je ferai tout mon possible pour aller le trouver. Qu'il ne dépense pas son argent. Jusque nouvelle ordre, je lui
305 ferai parvenir des lettres quand j'aurai l'occasion, ceci en est une cas c'est le consul Espagnole qui a l'obligeance de prendre ma lettre pour vous l'envoyer. J'espère qu'elle vient arriver. Écrivez à Felix s'il est à Paris de ne pas venir, j'irai le trouver s'il y a du pire et si je vois que tout est perdu pour nous içi, mais j'espère encore tant, que l'ennemi vient pas dans la ville même, mais il est bien près, il est dans nos rivières avec leur flotte. Je me mets à la grace de Dieu, et je demande son appui dans ce moment de grande tribulation, que me donne du courage et la patience.

Je suis votre sœur devouée.

C. GUIDOT.

Si je puis, je vous écrirai bientôt comment nous sommes.

C. G.

Taken from envelope addressed: "Mr. W. Grudot, 805 Broadway, New York."

E, No. 13.—H. H. E.

306 CHARLESTON, *Nov. 10th*, 1861.

MY DEAR MOTHER: Once more an opportunity occurs by which I can send a letter to you. At the same time I enclose one to Louise, which please to forward for me. I wrote to you three weeks ago and as I know the impossibility of a letter reaching me from you, must make up my mind to wait until peace is restored; but when will that be, my dear mother? An enormous fleet are within 25 miles of us, and have already made sad havoc among our people. This city is the next place an attack is expected. I am very sorry there is no way to get away, and when I could have come six months ago, no one ever thought of our being in such a fix. News has just arrived that the vessel is lost that I sent your last letter in, but all lives were saved. I often wonder if you have seen or heard from Mr. Murdock. I certainly hope you have; you cannot help liking him, for he is in every sense of the word one of nature's noblemen. I went to his father's and spent two months this summer; nothing could exceed their kindness to me,

and if I am made destitute with the trouble here, it is the
307 only place I have to go to, and at present there is every prospect of such being the case. Every one in the city is armed and equiped, and gentlemen as well as tradespeople have to patrol the streets at night just as police. The country is completely ruined for the next 25 years, if not more. I never realized the horrors and dangers of war until it has come in our midst. The ladies are leaving the city by hundreds, and never did I see such a panic. I certainly think they make things appear much worse than they realy are. I have packed a trunk of clothes and will send them into the country, so that in case I am compelled to leave I need not be left with just what I have on my back. As to my friends, they have given out, for everything has risen in price to such a degree that it takes all I make to keep me, so that if a vessel were coming to Europe I have not the means to come with. I am now not worth 20 pounds, and I think of selling some of my things if any one will buy them; but too many who were rolling in their carriages last week are not as well off as I am. You see therefore we have all to suffer alike; still, I don't despair, I think God will help us through for we have done nothing, neither are we claiming anything that is not our own. I have been up the last two nights as one of the guard at
308 an engine-house, and feel rather sleepy, but don't like the idea of losing a chance to let you hear of me. If I could only know all of you were well, I should be so happy. Mr. Read has been ailing for the last 2 months; but he must be worried to death for he cannot hear from home, neither can he go, and it must be very hard for him.

Give my love to all my Newcastle friends, and don't imagine for one moment that I have given up the hope of coming home again after this war is over for ever, it must be some time or other, and I being a British subject am not in the same danger with the rest of the people. If you like you can send this letter with Louise's to her. Why does England not acknowledge our government? If she had, a great deal of this trouble would have been spared us. Our commissioners are now there and I hope will be received. I must now, my dear mother, bid you & Mr. Liddall good-bye, and with my love & best wishes, remain your aff. son,

G. F. B.

In envelope addressed: "Mrs. John Liddell, Ravensworth Castle, Gateshead, near New Castle on Tyne, England."

E No. 14.—H. H. E.

309 CHARLESTON, 14*th Nov.*, 1861.

(Give this letter to Marri from her sister.)

I have just heard of an opportunity to write to you, my child, which I am going to avail myself of. I returned here last week, and shall now remain here some time. Papa is to be in town to-day, and I hope he will allow me to stay with him, for the Christmas holidays. Habbersham, the factors in Savannah, have refused to cash my drafts, unless I can say that the money is for plantation purposes, so as I want the money to pay my own expenses I am in rather a fix, and am going to try and get my father to go with me to Savannah and see what can be done for the future. The Habbershams have sold seven thousand bushels, and now I want to see if I cannot get other factors, for I must get money to live on, that is poz, but of course I shall be guided entirely by the advice of Judge Law. It is still very hot here, and the musketoes very lively and active. I wrote to you from Savannah telling you about Charles' engagement and its

being broken off, and now I tell you that he is to be married next Wednesday to Julinn's cousin, Chew; she thought better of her refusal,
310 and told Charles that she relented, and they are to be married in church on Wednesday, and go at once to Augusta. He has borrowed my lunch basket to take with them, and between you and I and the post I don't like it at all. I have only had one letter from you, which I enjoyed so much; I could not make out about the women. You say that you decided to keep Mary, but do not speak of Catherine; has she left you? and then you do not say one word about my darlings; of course they are well or you would have said. I can't tell you how much I think of my pet Ella, and all her little affectionate ways. Meter is a a little darling, but only cared for me when you were at New Port.

I wrote to you that I had attended to all my business in Savannah, that I took the advice of Judge Law in everything; he has our interest at heart, and I returned the whole of John's estate as administratrix. Dr. Dumonts, the receiver, is very anxious to grab the whole, but if there is any law in the land he will be frustrated, I trust. Charlotte and her children have been here for a week. Emma, the eldest, says she
311 hates her governess; that if she don't die soon, that she, Emma, will, but, as the woman is never sick, she seems to think there is a poor chance. She told her Aunt Meta that one day she beat her with the butter spoon, and that the first chance she got she hid it where it never can be found again; that her mam'a had been looking for it, but it would not be found where she had put it. She would not even tell us where it was.

Give my love to Cormher. I am so glad to hear that she is happy at her school. Are you able to let her continue her riding lessons? Give my love to her and tell her she must now learn to call me Maraine. I don't know how to spell it, but French for godmother, which is what she must call me. I have been trying ever since she has been with me to make her do so, but never succeeded, and now do try what you can do with her. Give my love to Mr. James, and do mention him whenever you write, for I am very uneasy about him. He was suffering so much with asthma when I last saw him. Your Aunt Meta sends her love to you, and kiss to her little grandchild, who she is delighted to hear is
312 so very beautiful. I am so very sorry that I did not bring my book of likenesses with me. It would have given me so much pleasure; however, I have two of you, one with Meta and the other the coppy of the minecture. God bless you, my darling child.

In envelope addressed: "Mrs. Julian McAllister, Shoemakertown, Montgomery County, Pennsylvania, U. S. A."

E No. 15.—H. H. E.

313 CHARLESTON, *Nov. 12th*, 1861.

MY DEAR AND ONLY ONE: I have just been told that there would be an opportunity in a very few moments by which I might send a letter to you; it will be therefore, of necessity, a short one, as I am but a poor pensman. I write with so much difficulty that it is no ordinary labor. I have sent three or four letters lately, and pray most sincerely that some of them may have reached you. In one I sent you one hundred dollars from the mother of those girls; there may have been some discount on it. At another time I sent you two hundred from myself, and if it pleases God that they all reach you they will serve at least for a time to put you above want. War is at our doors, and this, my own dear one, may be the last letter I ever write to you. Oh, my God, could

I but see you once again I would be satisfied. No more time, I will lose the chance. God be with you, my darling own.

Your own, R.

In envelope addressed: "Mrs. Ann W. Neal, Newark, N. Jersey, U. S.
E No. 16.—H. H. E.

314 CHARLESTON, *Nov.* 10*th*, 1861.

MY DEAR LOUISA: As a Spanish vessel is going to run the blockade, I take advantage of writing to you although it may never reach you, but at any rate if it should will assure you that at present I am alive and well. Our city is in great danger of being burned to the ground, and what is to become of us all God alone knows. The North has sent a fleet which I fear is too powerful for our people to fight against, as we have no vessels at all. They have already passed the batteries some 25 miles from here, and dismounted all the guns. A great many have been killed and wounded. We are now expecting our turn to come next, as this is the city they have all the spite at. I cannot leave, for I have not the means of doing so. The exorbitant prices of everything, even with economy, has swallowed up my little savings, and I have not twenty pounds left in the whole world. When I look into the different rooms of my comfortable home, I feel wretched to think how soon all may be in flames, for if the enemy shell the city, which they threaten, of course nothing can be saved; but God is powerful and will not
315 put a greater burden upon us than we can bear. It is now a long time since I wrote to you, but a much longer since I heard from anybody. I think the last letter I got was in May last. I have written by every opportunity to mother, but do not know if she received them. I send this through her to you, as I cannot prepay it, and if I enclose anything am not sure of your getting it, for if the vessel is taken that brings this the mail will be thrown overboard. I hope yourself, John, and the children are well. I wish I were with you. The young man who wished to come here from Abergele may bless his lucky star that he did not, for he could have only been a common soldier getting 44 — per month. I am in a fire company and we are ordered out every night to patrol and protect the city. Just think of that kind of life. I have just come from church; how different everything looks to its usual; all the men with the exception of a few are out on duty; it seems a solemn occasion, nothing but women in the congregation. Since coming out have also heard that the town of Beaufort, which is only about 25 miles from here, has been burned to the ground. A great
316 many people have come here for refuge, but in a day or two may have to leave from the same cause. I shall let you hear from me whenever I can, and as I have so large an acquaintance, have every opportunity that occurs for sending letters. I often wonder if you were at Coxclose that summer. I went away hoping by the time I got back all this fuss would be over, but it only gets worse.

I am now going to write to mother, so will take my leave of you. Kiss the children for me, give John my love; and, indeed, I am thankful that, with all your troubles, you are spared the anxieties we have to endure. One of my particular and dear friends is now in Europe, and I hope has written to mother letting her know something of me. The only thing I fear is he did not know her address. Accept my love and best wishes. I hope my next letter will be more cheerful.

From your aff. brother,

GEORGE.

In envelope addressed: P. Duchos, esq., New York."
E No. 17, H. H. E.

317 FRIDAY, *Nov. 1st*, 1861.

MY DEAREST LIZZIE: I have just written a letter to my dear P., and Aunt Anna has put in a few lines to you to be sent by the Isabel, which is to leave soon for some port. I hope you may receive it. Mr. P. A. M. told me he would send a letter for me to New Orleans, & from there it would be sent via Tampico to some port in Europe & then to N. York. Only think how long it will be before you get it; but I cannot help it, & I take every chance of writing to you. I have before mentioned having heard from Mr. Robt. M. L. & then from Mr. P. A. M., and yesterday I received a letter from Mr. N. M. Cochrant from Richmond informing me that you and my dear P. were well. Thank God for his mercies. Jane B. gave a very delightful account of you and my dear P., that you were both so well; but her news was very different from what was contained in those two letters; but, as I said before, you must know what is best for yourselves. I commit you both to the care
our Heavenly Father, and trust you will be guided to what is right,
318 and I pray you may both be protected from all danger, and, if it is the will of God, we may all be spared to meet again in happier times. Mr. M. told me what a tedious, uncomfortable, & expensive journey he and Mrs. M. had. I have written you on the 12th, 16th, & 28th of Oct., and hope you will get some of my letters. When you see Miss W. tell her I saw her sister, Mrs. C., a few days ago; they are all well. I hope Anna's eyes are better, & Julia & family well; our love to them all, & to any of your friends who are kind to you. Harriott & Martha are well & send love to you.

SUNDAY MORNING, ½ past 12.—We have just returned from church, & I will finish this as some opportunity may offer. I took the letter I wrote to my dear P. on Friday to our friend Welhes' office yesterday; he was not in, but a young gentleman took it and promised to send it by the first opportunity. I have just heard that there may be another chance soon, & I do earnestly hope you will receive some of the letters we write. I mentioned having received a letter from Mr. Cochrane from Richmond. I answered his letter on Thursday last, and hope to hear from him again. I saw Jane B. & told her I had heard from him. She said she supposed it was the gentleman you introduced
to her the day before she left. I regret so much you have not
319 your muff & other articles for winter. You must want some thick gowns. Your friend Lizzie will assist you by her advice. I hope you are comfortably fixed. Jane B. told me she thought you intended leaving the house you were in. Mr. P. A. M. told me the house was sold at something less than it cost, but not much less; he did not sell his house as well. Mrs. M. told me of an opportunity of writing you, & I sent her a few lines on the 28th Oct.; I hope you received it. God bless you both and keep you from all danger. We all join in love to you both.

Ever your affect.,

In envelope addressed: "P. Duclos, esq., New York."

E. No. 17—H. H. E.

MY DEAREST LIZZIE: As I never feel satisfied that a letter should go to you without a few lines from me, I have determined to send you this scrap just to repeat what your mother has already said in her letter, that we are all, thank God, quite well, & always thinking & speaking of you and dear P., and praying that our Heavenly Father would guard and protect you from all harm. This is a busy day with us; we

320 are undergoing a house cleaning and preparing for winter. Yesterday it was very cold; to-day it is quite warm again. Oh, dear Lizzie, how I long to get a long letter from you, but I must be content with a few lines. I was called down stairs just now to see a gentleman. I instantly thought of you, and was quite disappointed to find it was only a message from S. L. C. to your mother. I can write no longer on this soft paper. God bless and protect you both.

Your attached aunt,

ANNA.

Enclosed in envelope addressed: "P. Duclos, esq., New York."
E No. 17.—H. H. E.

SUNDAY, *Nov. 3rd*, 1861.

MY DEAR SON: I wrote to you on Friday & intended to send this by way of New Orleans, Tampico & Europe, but heard yesterday that there was no use to attempt sending a letter via Tampico, so I shall have to trust to chance for an opportunity & hope soon to have one. I have before mentioned that if you are in want of anything you might apply to the Dr.'s friend, Mr. C., who I hope will prove himself a true
321 friend. I constantly lament you have not the contents of that trunk, there are so many useful articles for you and my dear Lizzie, but what you require you will have to procure, and her friend Lizzie H. I am sure will assist her. Louise got a letter from our dear Phil a few days ago; he always enquires most kindly for you and Lizzie. I hope you hear sometimes from Peter & Lidie; we have not heard anything of them since the last time Lizzie mentioned them, and that was in August. Give our kindest love to them when you write. I wish I could know you ever receive my letters. My aunts have just seen Mrs. Midsmith; she always enquires for you both most kindly. The weather is now very fine. I hope it is not very cold with you. Do tell Lizzie to take care of herself, as she had a severe cold last spring. We are all well and join in love to you both; that our Heavenly Father may bless and protect you both from all danger, is the prayer of your ever affect'ly.

MONDAY, *Nov. 4th*.—Aunt A. begs me to say she will write by the next opportunity; she wrote Lizzie on Friday last, & we really do not know if you ever receive our letters. We are very busy having the carpets & curtains fixed for winter. Julius B.'s sisters came to see us yesterday & enquired most kindly for you both. The Dr. & Mrs.
322 P. spent last evening with us, & Mary Anne from next door. Louise has been sick with a cold but is better; the rest are all well. When you see Mrs. D. & her mother you can tell them their family are all well, and tell Lizzie & her mother that Charles & Mrs. W. are well. I hope my dear Lizzie's health continues good and that you are quite well. God bless you both, prays your affect'ly

M. C.

In envelope addressed: "P. Duclos, esq., New York."
E No. 17.—H. H. E.

NOVEMBER 12TH, 1861.

MY DEAR, DEAR LIZZIE: We are all well and safe, and are to leave town in a few days for cousin Mary's to pass a while. Oh, my dear child, we be together, but God's will be done, and we know that whatever He orders is best, and we must submit and hope that all

will yet be well. I hardly ever read the newspapers now, for they are so contradictory. I have no news to write you. God has blessed us with good health, and I do trust we are thankful for it. The
323 weather is excessively warm just now. Mother is so busy packing up that I told her I would tell you we were well. I do hope these few lines will reach you and find you and dear Pobdore in good health. God bless and preserve you both, and may our Heavenly Father allow us to meet again.

Dear Lizzie, put your trust in God and pray constantly to him for help in this our hour of need. All send love to you both.

Your attached aunt,

ANNA.

MY DEAREST LIZZIE: I cannot let this go without adding a line, but Aunt A. has said all that I could. I am very busy packing all yours and our trunks to send up by cousin Charles' boat, which is to leave the wharf very soon. I wrote you and my dear P. last week, and hope you received our letters. I am going to take this to our friend Waller's office, and hope they may soon have an opportunity of sending it. God bless and protect you both from all danger, is my constant prayer, and I trust our Heavenly Father will bless us all and enable us to meet again. All our family are well. I hope we are great'ful for the blessings. Dr. & Mrs. T. frequently enquire for you.

324 With best love to dear P. and you, yours, ever affect'ly.

Trust in God and He will never forsake you.

In envelope addressed: "Mrs. P. Duclos, care P. Duclos, esq., New York."

E No. 17.—H. H. E.

325 CHARLESTON, *Nov. 11th*, 1861.

MY DEAR BROTHER & SISTER: In times like these a line from me will cheer you, I know, and it does me good to be able to write you to relieve your anxious hearts. Of course, I can write nothing of events; those the papers will tell you of; but just tell you that I am well, and in my room as usual. C. has been in camp since Sat. I was up to see him to-day, but all the troops had been ordered to another part, and I did not see him; but that is only a little disappointment, and we try not to mind them now. People are quite alarmed, and are leaving the city; but Mrs. S. & I shall stay till there is more danger than we yet have seen. Don't worry, and tell mother & cousin E. and all that I am well and send love. If I could write to each I would, but I cannot; I am trying to be quite brave and hope for the best, and any sacrifice I can make for my country I ought to be willing to make; but it is a very anxious time, and my heart grows sick at the thought of the many lives thrown away, and of what may happen to me as to every woman. If my husband is spared to me, I'll not complain, no matter what my lot may be. I don't think he will be taken
326 out of the city; of course, there is no danger to him now, but each day I feel as if it were doubtful about the future. I feel as if nothing would ever repay me for the anxiety of the past year. But I know the right, and believe it will triumph. I trust we may meet ere long. I would not have you here, but would give much to be able to see you, just for a little, and know what trials you are bearing, and know they affect you. My poor prayers go up each night for you all,

es of the dear children look quietly at me from their frame;
320 are un[illegible] a few things which convince me, I should be inclined to doubt
ter[illegible]wn identity; but God grant we may all meet again, that the war
Lizzie, may soon be over. I sent you a letter a long time since, but as it is
with doubtful whether or not you rec'd it, I will say again, if you can dis-
I i pose of those undergarments for your own benefit, do so, or for any-
o thing else I have. I trust Wm. is successful in his business. I think
much of you, and worry about you, and wish I could do something for
you, as I could if I were with you. But don't worry for me. I shall
turn up some time my own old self, and we will enjoy much, perhaps
more, than if we had not been thus tried. Oh, Carrie, if my spirit
327 could only talk with you, how much it would tell you, and how
much comfort it would afford; but one cannot wish now any-
thing. When I think of home, and wonder if I yet have a father, and
if not, thank God that he is spared all the trouble of the present, I
could almost wish that we had all gone to some better country; though
if such things must be, I suppose we can bear them like other women
of whom history speaks.

I made C. a mattress to-day, and I really have much to be thankful for that he is well & strong, and is well provided with good clothing; but it makes my heart ache to think of the "why," but it is nothing but necessity which takes him. He writes me every day. No matter what reports you hear, don't believe them, for the papers lie so in both sides that there is no dependence to be placed on their accounts, though I'd be very glad to see some of those Yankee papers. Dear brother, I have many thoughts for you, and I know, with your will and determination, that you will get along. Don't worry, and don't let Carrie & mother worry, for it will all be right by & by. Give my love to Wm. and the children, & to all our friends. Thank God, Mr. Thayer is out of this. May God bless & keep you all, is the prayer of your own

ELIZA.

328 P. S.—I feel as if I could not close this; but I can say no more. so, of course, I must. Don't forget that I am well, and that I have many thoughts for you. With much love, I am ever your

ELIZA.

Tell Mr. & Mrs. Knight that I send love to them, and am true to my country.

Addressed: "H. W. Thayer. Care of Bliss, Wheelock & Kelley, 390 Broadway, New York."

E No. 18.—H. H. E.

329 CHARLESTON, *Nov.* 11*th*, 1861.

MY DEAR LENA: I have at last a good opportunity of sending a letter to you. The Spanish consul is going to send despatches to Cuba, and through Captain Rollins I am able to send you a few lines. Of course you have heard "great and glowing accounts" of the victory achieved by the Federal fleet at Port Royal, and perhaps have heard that we are destroyed or something equally exag'erated. As yet, we are quite safe, but how long we shall remain in safety is uncertain. A great many have left the city, and are very much frightened. We shall not go until the danger appears more imminent than it does now. George has gone, and I feel very much distressed to think of the dangers to which he will be exposed. He is in camp on the race-course, but is liable to be ordered off any moment. To-day the report was that the

enemy was landing on one of the islands. They started and marched a few miles, but found it was a false alarm. We have packed a few valuables to send up to Augusta, and I trust we may be spared the necessity of leaving the city. What a horrible state of things exist.

330 I can hardly compose my mind to write. I have written you a few letters and sent them to Cuba, but I consider it very doubtful whether they ever reach you. The last I proposed that you should write to Havana; direct the outside envelope to Mr. John Corvall, Havana, and enclose the one inside to Mr. Douglas, Charleston, S. C. There is a slight possibility that it might reach me. I suppose there is great rejoicing in the North at this victory, and they will feel much happier if they could hear Charleston is burnt up. It would be burnt up by the inhabitants first before the enemy arrives. Everybody is distroying their plantations so that no cotton will fall into their hands. No one supposed but the fleet would enter Port Royal, for it is a splendid harbor, and Beauregard pronounced it almost an impossibility to defend it unless by strong fortifications, which he said would take years to build. They had only 29 guns at forts, and were just sand batteries. It is a miracle that there were no more killed. There were 100 wounded, killed, and missing; 12 killed, mostly in a German company. Dr. Robertson has a son down there. Everybody is distressed in the city, for, of course, most everybody has dear friends and relatives.

331 I know you must feel anxious about us, unless I am mistaken in supposing that you do not sympathize with this undertaking. It is a dreadful thing, I think. What earthly right have the North to come out here and destroy persons' property? Fanny Jackson has been very sick with dip'theria, but is a little better now. I fear it may go through the family. I feel so sorry for sister. John Jackson is a Col. at Pensacola, and was engaged in the attack on Santa Rosa. Andrew is in Virginia. Maggie is still with us, and will remain until she is better. It is now about four months since she was taken sick, and she can just walk. It takes so long to recover from typhoid fever. Poor child, she has had to have her head shaved. Johny is very well and very cunning and interesting. Ma is very well, and both she and Maggie send much love to all. If this reaches you I would like to have you send these letters as directed, and you will oblige Mrs. Smith and Mrs. Huntoon.

I must close. I pray we may all be spared to meet before many years. I dare not say less; even if we live. Give a great deal of love to all my friends. I don't mean any one who favors this war. I feel as bitter as the warmest Southerner towards those who have gotten up this war.

332 With much love to yourself, believe me very aff'ly yours,

MATTIE.

In envelope addressed: "Miss Mixer, care of Mixer & Whitman, Boston, Mass."

E No. 18.—H. H. E.

333 NOVEMBER 9TH, 1861.

DEAR SON & DAUGHTER: As an opportunity offers I send you a line just to let you know that I am well, knowing from recent occurrances you may be anxious about me. The recent occurrances to which I refer will no doubt be greatly magnified by the time they reach your place. I have written several times lately, but have had very little hopes of your getting my letters. N. P. Smith has been with me for some weeks, but goes to an interior town to do business in a few days.

I have but a few moments given me to write in, and can only add, give my love to all who care for me still. Kiss the children both for me. I am still in the old place. Direct your answer to me here to the care of J. J. Martin and enclose it in an envelope directed to Gomez & Salas, 80 Oficios st., Havana, Cuba. Over Gomez & Salas, 80 Oficious st., Havana, Cuba.

Your letter directed to me in this city to the care of J. J. Martin, and enclosed in an envelope directed to Havana as above.

Affectionately yours,

334 This letter in envelope addressed: "Dr. D. T. D. Dyche, Lebanon, Warren Co., Ohio."

E No. 19.—H. H. E.

335 CHARLESTON, So. Ca., *Nov. 14th*, 1861.

MY FRIEND: It happens that Spanish captain will leave in a few minutes, by whom I send this note. All well. Charleston is yet safe. Beaufor*d* is in the hands of the United States forces. I hope to be able to see you in a short time. Nothing more.

Truly yours,

GEO. E. JOHNSTON.

This letter in envelope addressed: "Mrs. Sarah Ann Grant, 287 Hudson avenue, Brooklyn, New York."

E No. 20.—H. H. E.

336 CHARLESTON, *Nov.* , 1861.

DEAR SARAH: I now take this opportunity of writing to you, hoping that it may find you well. We are all quite well in body, but much worried in mind; however we are all in the hands of a good God, who I am certain will guard us safely through. I wrote to you some time ago, but I suppose you could not answer. I have a little daughter seven weeks old. She is named Margret Elizabeth. All are well; times are very dull. I hope that the time may soon come when we will all meet again in this world once more, and, if not hold, fast to the faith which was once delivered to the saints, and we will gain their rest in Heaven. Remember us to all the friends. All the family and friends send howdie to you, children and all. Aunty received a letter from you in July 30th. We were glad to hear. I must close.

Yours, sincerely,

This letter in envelope addressed: "Miss Sarah Ann Grant, 287 Hudson avenue, Brooklyn, N. Y."

E No. 21.—H. H. E.

337 NOVEMBER 9TH, 1861.

I am same place and as comfortable as when I last wrote you. We have some war excitement, but no fear. Mattie and babe are quite well last accounts. Letter just received from her. I am now on the eve of my departure for the interior on important business. Mattie will join me there. Accounts most terrible and disastrous will no doubt reach you. Make due allowances. We are prepared for an *im*mergency. Write a line to Mrs. G. A. C. Dyke, Lebanon, Ohio, that her father is well. Have no fears for our safety. As yet have no news from you. Hope to hear soon. God grant you may be well. Kiss Mattie many times for me. Write me and enclose in envelope to Gomez & Salas, 80 Oficios st., Havana; direct to me care J. J. Martin, Savannah.

With ever the same unbounded love & a firm trust. Hope we may meet again. I am ever fondly yours,

YOUR SON.

In envelope addressed: "Mrs. S. B. Crosby, care Mr. N. Safford, Plainfield, New Jersey."

E No. 22.—H. H. E.

338 CHARLESTON, 9*th Nov.*, 1861.

WM. NEILSON, Esq., *Havana:*

D'R SIR: Your favor p'r Theodora came safe to hand, for which I am much obliged. I take the liberty of enclosing a letter to my friends in New York, which please forward for me by first steamer to that port. I have asked my friends in N. Y. to reply to me, and direct the same under cover to you, and I will consider it a great favor if you will seek opportunity to forward to me. Your letter to Mr. Wesson I have sent to him.

I shall be pleased to hear from you by any opp'y that presents.

Yours, res'p'y,

THOMAS J. KEN.

E No. 23.—H. H. E.

(Indorsed:) Wm. Neilson, esq., Havana.

339 CHARLESTON, 9*th Nov.*, 1861.

BREWER & CALDWELL, *New York:*

GENTS: I take the opportunity of a steamer going to Havana to write you, care of Mr. Wm. Neilson, who will forward, merely to enquire what disposition you have made of any funds or property supposed to belong to me. My last advices requested funds to be remitted to England, and if property sold the amount could take same direction. You can reply to me under cover to Wm. Neilson, Havana.

Yours, truly,

THOMAS J. KEN.

Please forward enclosed.

E No. 23.—H. H. E.

(Indorsed:) Important. Brewer & Caldwell, New York.

340 No. 1.

(Copy.)

Copy of letter addressed to Emilio Puig, esq'e, care of the Spanish consul, Charleston, So. Ca.

PENDLETON, 15 *Junio* 1861.

ESTIMADO EMILIO: Recibi la tuya del 12 incluyendome una de Mr. Hall, por cuya puntualidad en doy gracias. Tanto Francisca como yo y los niños seguimos perfectamente y Victor ha mejorado mas que podie: Yo tengo un estraordinario apetito desde que estoy aqui, hallandome casi enteramente bien, de aquel dolor, que tenia al acabar de comer. Dios quiera de vosotras sigois tambien sin novedad, pues es lo que mas con cuidado me tiene.

Observo que ni cartas en ninguna noticia importante habiais recibido, y espero, que así que aparesca alguna de estas dos casas, me las trans-

mitiras al momento, pues prensamente ho puedo tardar en recir
341 cartas de España y de New York tambien, todas cartas interesantes pr. mi y que debes cuidar vengan á mis manos.

Entegarás tal indusa á Mr. Hall, presentandole n. afectuosos recuerdos y manifestandoles n. satisfaccion por el restablicimiento de su Señora. Asi mismo le dirás, que deseo mucho verle y hablar con el estensamente sobre negocios. En la misma, le digo, que habiendo yo recibido carta de Netto, avisandome la salida pr. esa de la "Plus Ultra" el 16 Mayo, es muy necesario mander por via Moncada una carta al Capn., al Capn. y depositado al efecto, al comandante del buque bloquendor, pr. que al recalar dho. buque se la entreque diciendole lo que oceane, y que lo mejor es que vaya á New York pues siendo el Capn. de la "Plus Ultra" nuevo, y tal vez sin esperiencia, se veria perplejo, sin saber que hacer, y en N. York, á lo menos podrá cargar, algodon, cueros, duelas y otros efectos, con los cuales no puede perder. Desearia
que lo hiciesen pronto y sin falta, y como no dudo ya sabrás, que
342 lo hacen por via de Moncada espero me lo escribirás, y en este caso, buena sera que tu escribes una carta en mi nombre, diciendole lo mismo, y que se consigue á R. y Hall. Repitole á Mr. Hall, mis positivos deseos de que se haya esto, de escribir al Capn. de la P. U. que vaya á N. York mas cuando en casa Rivera y Hall, hallaria á Netto, ó bien instrucciones de el mismo.

Sobre todo, escribedone cuanto ocurra en el escritorio y fuera de el, á Mr. Riol que me escriba tambien como este su hijo y familia, y que le digo Mr. Hall, etc., etc. Espero noticias del farm, pues de su cosecha, hemos de esperar hacer algun dinero pr. n. gastos; Es necesario pues sacar todo el partido posible de lo que produsca. Daren mis afm. con los de Francisca á Mr. Triest y familia, Mr. Bomar y fama. Mr. Riols, etc., etc., y recibiendolos vosotros, de todos los de aqui, mandole como gustar á vuestro hermano que os aprecien de corazon.

MALGA.

Á Moncada nuestros afectos con besos del catalan y pièce à met, á Joseito que haga con Triest lo que quiera sobre el farm y lo que produzca.

343 No. 2.

(Copy.)

Copy of letter addressed to Emilio Ping, esqre., care of the Spanish consul, Charleston, So. Ca.

PENDLETON, 19 *Junio* 1861.

ESTIMADO EMILIO: En contestacion á tus gratas 15 y 17 del actual, te diré que siento mucho ver que la mujer de Mr. Hall, se hallaba unevamente en fatal estado, mayormente despues de haber esperimentado una gran mejora, segun me escribia Mr. Hall en su ultima, y no pueden menos estos cambios, que ser precursores de un triste fin! Dios no lo quiera! pues seria una fuerte desgracia pa. el pobre viejo, que como tu dices, creo presipitaria la veda de el mismo. Supongo pues que mi carta, se la habrás remitido al campo.

No puedo comprender como Netto, no me ha escrito, su arribo á New-
York, cuando el me lo ofreció, ni contestado tampoco, á la que le
344 escribi alli, al cuidado de Rivera, de modo qué con fundamento, me temo haya sido interceptado alguna carta para mi, y mas me

lo hace creer el haber yo escrito tambien á Rivera, y no haber recibido contestacion. Procura pues averiguarló si es posible, si bien, qué tarde ó temprano lo sabremos, pues me parece imposible, que Netto, se vaja, sin venir ó escribirme. Este alerta sobre todo, y escribirme, cuanto puedes averiguar de cosas relativas al escritorio. Me alegro vér qué Buvirosa habia remitido á New York los f. 2,000 de F. Cornella y Ca. y ahora me gustaria saber, el uso qué hacen de ellos en casa, ó que ideas tiene Esnard, lo cual si puedes saber, tambien me lo communicarias, pues yo quiesiera qué si se dispone de ellos, los inviertan en pagar algunas cuentas como efs. navalez, amellage, &c. La repentina vuelta del viejo al campo, supongo habrá impedido á Mr. Riols, hablarle, como yo lo encargué, lo cual deseo tambien saber. Baja el concepto
345 de hallarse el fuera, te suplico, hayas presente á Esnard en mi nombre, lo mismo que escribi al viejo respecto á la "Plus Ultra" esto es que habiendo salido pr. ese destino, seria muy necesario escribir una carta al Capn. qué podria remetirsele por medio de Moncada, depositandola al efecto al Capn. del "Minesotta" en la cual se le debe decir qué se vaya á N. York, donde encontrará á Netto, pues el Capitan, como nuevo y tal vez sin instrucciones no sabria que hacerse. Dile á Esnard que este es mi opinion, y deseo qué se haga. En cuanto á salud vamos nosostros perfectamente, particularmente los niños, pues ya Victor es enteramente otro del que era. Francisca tambien ha engordado mucho, y os manda á todos mil abrazos. Asi como recuerdos de Guillermo sue, y Mr. Sloan.

Si Netto viene escriberme inmediatemente y aviseme cuanto ocurra, remitiendome cuantas cartas vengan pr. mi, estando muy alerta para que no me intercepten ninguna carta. Afectos mil á Mr. Riols, Moncada, etc., etc., y tu dispone como gustes de tu prima.

MALGÁ.

346 ESTIMADO JOSEITO: En contestacion á tu apre. del 17 te digo que me estraño de la respuesta de Torrens, á quien podrás decir de mi parte, que cuando me suplico, pagara yo su cuenta á Vidal, fui con la condicion de que el me pagaria luego, por consiguente, el venirme ahora con cuentos, ay faltar á su palabre, y puedes asi mismo decirselo, diciendole que cuando yo venga será necesario me pague, porque no pasaré de otro modo.

Respecto al farm creo que es lo mejor deshacernos de el, de un modo á otro, y puedes por tanto ver á Roges, y decirle como quedo con el dueño del farm. Sobre el dejarlo, pues antes de irme, yo le dije á Sebastian, que diera notice de que iba yo á dejarlo, y deseo saber, si quedaran acorder, y hasta que tiempo, tengo yo que quedarme con el, pues este dichosa farm me ha arrimado, ya me escribiras pues sin falta, la contestacion que ti dé Lanoguera, y segun lo que te diga, ya tú de acuerdo con Mr. Triest, podrás obrar. De todos modos loque más
347 me convendria, creo seria poder vender el farm, tal como está, aunque fuese barato, locual quisiera manifestares á Mr. Triest y probaseis de venderlo de todos modos, y entonces estaria libre de gastos, que de ningun modo puedo sostenerlos en la actualidad. En una palabre, hay con Mr. Triest, lo que créais mas conveniente, bajo el principio, de que lo que deseo es salir del farm lo mas pronto posible, y sacar á lo menos como pagar los salarios del viejo, venta, y alguna cosita mas. Bajo este principio, que Triest contigo obreis como mejor podais.

Por los diarios de Richmond, veo que las patatas valen $4 @ 4½ y sin

exitencia, locual podrás decir á Triest pa. su gobierno. Estos precios los si en los diarios del 14 del actual. Dile á Triest, que si el cree, podriamos hacer alguna especulacion. El mismo pues que obré, y cuanto haya lo aprobaré.

Resibe un abrazo de Francisca, besos de los niños, y alegran-
348 dome ver que ibas á pasar la tarde en casa Triest se repete de ti hermano.

MALGA.

Escribirme sobre todo lo que hagais con el farm y no hagais gastos. Enfin vocobras mismas. Escribirme sobre todo, la contestacion de Rogets, que cual sea, podrás comunicarla á Triest, y hacer entonces lo qe. el crea mas conveniente, á Triest mil cosas de ns. parte.

349 No. 3.

(Copy.)

Copy of letter addressed to Emilio Puig, esqre., care of the Spanish consul, Charleston, So. Ca.

PENDLETON, 28 *Junio.*

ESTIMADO PUIG: Anoche recibí la tuya del 26 qué cursa, y estraño nó haya sido ella en contestacion á la mia que te diriji el domingo pasado, locual me hace pensar haya sufrido estravio. Yo saldré pr. esa, el lunes por la mañana, y con el fin de encontrar ahí á Mr. Hall, le he escrito pr. que venga ó vaya á esa el lunes ó martes, toda vez que tu me dices, vino el pr. el mismo objeto en el sabado ppo.

Observo que están todos buenos, lo mismo nos sucede, con escepcion de Victor, qué á consecuencia del demaciado comer, no tiene el estomago muy bien. Confio no obstante que si Dios quiere se aliviará pronto.

Hemos tambien tenido mucho calor por aqui, si bien que tene-
350 mos la ventaja, de gozar las noches de un pesco agradables. Nada me estraña, la cuestion de Salas con Moncada, atendido el caracter del primero, y yo no entiendo, quebradó como está, como puede especular. Esto me hace creer que se ha quedado con algun dinero.

Recibid tu, Joseito y demas, mil afos. de todos, y tu no olvides á quien te aprecia de veras.

MALGA.

Afos. á Triest, Riols, Moncada, y Bomará. Mucho me alegrará qué á mi llego pudiescis darme una buena noticia de la venta del farm.

Adios, hasta la vista.

351 No. 4.

(Copy.)

PENDLETON, 10 *Julio.*

ESTIMADO JOSÉ Y EMILIO: Llegamos felizmente, encontrando á Fca., los niños y demas, todos en el mas plasentero estado, y como podeis suponer preguntaron por vosotros.

Desearia, que lo mas pronto posible me remitieseis, una media docena ó mas botellas del vino Jerez y Moscatel, con unas cuantas botellas Cerveza y otras del vino comun y en el cajon en que las coloqueis encima de ellas, podriais poner el mosquetero de nuestra casua, que podreis sa-

carlo, pues por razon de las moscas, nos será muy necesario dho. mosquetero, cuando Fca. tenga que estar en la casua. Espero pues que no os olvidareis de todo lo encargado.

Ansioso estoy de saber si está ya arreglado el traspaso del farm y colectados los $145 que debe dar Juan supomendo que arreglada la cuenta del abi, no habras olvidado recojede su recibo, por lo que
352 ella aniendo. Asi mismo, ya sea por medio del abi como por cualesquier otro, ó comprando provisiones (que despues podriais revender á Mrs. Bomar) es necesario que no dejeis escapar lo que me debe montaner (el tuerto) como pasar por Torrens á colectar los $43, pues son ocasiones los actuales, que no podemos despreciar un centavo. En fin manfestadome cuanto hagais, y decid á Mr. Triest, que en un diario de Richmond del 3, del actual he visto cotizadas las papas @ $1¾ por bushell, no teniendo existencia ninguna. Por consequientes, decidles que lo escriba á Richmond, pues ns. papas deben haber sido vendidas á buenos precios, y muy facilmente por ser alli muy esucar. Repito decid á Triest, que yo estraño no tener noticias de dha. venta, y qe. escriba la cotizacion que yo digo, á Richmond, al mismo tiempo, decid á Triest que averigue los precios á que podria venderse en esa la suela pr. zapatos etc., de otro uso, y escribid me lo vosotros pues yo creo, que desde aqui podria yo comprar y remitirla, con prospecto de
353 ganar algo Espero pues dhas. informes, que desearia fuesen positivos, recibid besos de los niños, un abrazo de Fca. y el mas puro afecto de Vs. hermano.

V. MALGÁ.

Escribidme cuanto se pase del privateer Jeff. Davis.

Los precios ahi de la suela, que sean enactor, sobre todos y apurad á Triest pa. qe. escriba á Richmond, cuanto he dicho, y pa. que manden la cuanta de venta.

Inclusa va una carta pr. Rivera que escribe Guillermo, la misma que bien segura, debeis remitir por express pagando á esta compania el postes, que luego yo os la satisfaré, Lazaros os dirá del modo que la casá los remite á N. York.

354 Pr. no cometer equivocaciones, como que segun creo, hay varias cualidades de suela, es menater que Triest me dé los precios por cada calidad de suela, en inglés, á qué podra venderse ahi. Asi mismo estaré ansioso de saber si habeis consequido una colocacion para Tranquilino, porque de no sera otro gravamen sobre mi, que me será en la actualidad bastante gravoso. Dios quiera que pueda hallar una, aunque sea pr. la vida no mas, por el presente pues despues ya será otra cosa.

Dareis mil recuerdos á Mrs. Bomar y familia de parte de todos y en particular de Francisca, á Mr. Triest y fama., Mr. Riols y Sora., Moncada, etc., etc., á Tranquilino.

Si hay ó vienen cartas pr. mi renjarlas y manderlas, asi como podreis escribirme, cuanto sepase ocurra en el escritorio, porque ahora mas que nunca, estoy ansioso de saber lo que hacen en la casa, y lo que piensan hacer. Asi mismo escribedme cuanto sepase de la Sora. de Mr. Hall y de el mismo.

355 Suplicadle á Mr. Riols que me haga el fabor de ver al corredor McBride y decirle que en caso de poder vender á mi negro Robert, que dé el mismo una bill of sale, pues despues le daremos Fca. y Mr. Hall, una venta á el en forma. Esto es pr. no poder la oportunidad de venderlo, á locual deseo que Mr. Riols me haya el obsequio de apresarle, pues me temo de los gastos que luego cargará el corredor. Decidle

pues á Mr. Riols que tome este asunto como á propio, y ya me direis lo q. consiga. Dadle anticipadar gracias en mi nombre, por cuanto haya con respecto á la venta de Robert, que á la verdad quisiera estuviese ya vendido. Dejo á la mano de dho. Sor. Riols, el precio pues cuanto el haya, ó convenga con el corredor, merecerá mi aprobacion, y mucho espero del buen celo de dho. amigo, pr. conseguir una pronto y ventajosa venta de dho. criado, que mucho me conviene, pues repito me tomo, que luego me presente McBride una cuenta de gastos tremenda (como ellos mentes todo cuanto puede interesarme).

356 No. 5.

(Copy.)

Copy of letter addressed to Emilio Puig, esqre., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 28 *Julio* 1861.

QUERIDO EMILIO: Queda en mi poder, la tuya del 24, habiendo en el mismo dia, recibido la coja conteniendo mis encargos, y obsequios que tu y Joseito haceis á Francisca, y reñen nacido, todo locual, os agradeceremos en el alma, habiendo merecido la aprobacion de todos los de la casa. Recibid pues nuestras mas cordiales gracias. Tanto Francisca, como la niña continuan perfectamente, y lo mismo los niños quienes y en particular Victor, están gordísimos á mas no poder.

Como Guillermo, nó há regresado aun, ignoro como habrán quedado con Mr. Hall y por igual razon no puedo comunicarle lo que me dices del mapa de la guerra, pero será bueno que Brown no olvide el
357 encargo por desearlo Mr. Sloan en gran manera. Ayer habo carta del Coronel Sloan, hijo de Mr. Sloan, annunciando hallarse el y Pol. Salvo, noticia que ha llenado de alegria á todos los de la casa, de la cual, naturalmente, hemos participado nosotros.

Desearia saber si Mr. Riols recibió una mia del 20, en la que le anunciaba el porto de Francisca, lo mismo que á vosotros. Espero pues qué me lo escribirás.

Incluyo una para mi padre, participandole el alumbramiento de la niña, la misma que desearé encarminer por la via más segura, valiendole ya sea de Moncada, Rivera y Hall, ú otro medio. Si acaso la mandas por medio de R. & Hall, escribele que es mia. En fin tu mismo. He sabido que Mrs. Bomar, ha salido pr. Richmond con el objeto de asistir á su hijo Robert, cuya herida deseo viramente sea leve, tan solo pr. el alivio y consuelo de su pobre madre.

Escribeme sobre todo, estensamente, y cuanto creas pueda enteresarme, ya sea sobre cosas del escritorio, como fuera de el, del Jeff.
358 Davis, etc., etc., y con abrazos á Joseito, afos. á Mr. Triest, Riols, Anna Owens y amigos todos, sin olvidar á Moncada, se repete de ti afma. primo.

V. MALGA.

Á Joseito que tome la presente por propia, y que no olvide cobrar de sabina (la criada) lo mismo de insistir con Torrens y con Triest sobre querer saber el resultado de las patatas en Richmond. A Dios, un abrazo á Tranquilino.

¿ Sabes algo del into. Dn. Fco. Montaner ?

359 No. 6.

(Copy.)

Copy of letter addressed to Mr. Emilio Puig, care of Spanish consul, Charleston, So. Ca.

PENDLETON, 14 *Agosto* 1861.

ESTIMADOS PUIG Y JOSÉ: El lunes por la tarde llegué felizmente, encontrando, á todos buenos, escepto Louisita, que no estaba muy bueno, pero G. D. está ya mucho mejor.

Inclusa hallareis una pa. Mr. Hall, lo que procurareis entregarle, tan luego como recibais la presente y en caso de no hallarse ahí, sin perdida de tiempo, se la mandareis á Aiken, pues es carta, que me interesa reciba lo mas pronto posible. De todos modos, espero que podreis entregarsela en esa, donde no tengo duda se hallará, cuando llegue la presente á vuestras manos.

Hemos repsuelto con Fca. que si como me dijo la rieja cocinera
360 Sarah no le gusta vivir en casa Bomar, le digais que puede bascarse amo, preferiendo entre alquilarla y venderla, el ultimo medio, por la semetta razon que como sabeis necesito dinero, al mismo tpo. que me duele en el alma, deshacerme de ella, por ser una buena mujer, conozco qué seria una ventaja, salir de ella ahora, no tan solo para hacerme con algun dinero, si qué tambien por ser una mujer ya en un estado, que el dia mas clara se nos muere, y entonces todo lo tenemos perdido. Habiendome ella dicho tiempo atrás que podia facilmente encontrar quien la comprara, podeis decirle que por salir del comprimiso, que tengo con Mrs. Bomar, que quiere comprarla, lo mejor es que si encuentra un buen amo que la compre, se quede con el, pués despues que los tiempos esten mejor, estoy pronto á volver á comprarla, asi podeis manifestarselo, y que procure ella misma bascar comprador, sin perdida de tiempo. Su precio son $400 pero podreis rebajar á ultimo
361 caso $50 esto es os faculto para que la cedais por $350 el contado.

Espero pues que pondrá ella, y vosotros todos los esfuerzos posibles, pa. vender dicha criada lo mas pronto posible, avisandome cuanto adelanteis sobre este particular. Decidle, pobre vieja, que se busque un buen amo, y que como ya he dho. si ella quiere, mas adelante podré volver á comprarla peró que ahora, necesito dinero, y me conviene venderla. Enfin á vuestra mano dejo el buen exsito de este negocio, con la seguridad de qué hareis lo necesario para llenar mi deseo, y recomendadle que haga ella otro tanto que se lo agradeseré, pués de no encontrar comprador, me veré obligado á venderla á Mrs. Bomar, por haberme comprometido á eso, lo cual segun ella me digo no quiere pertenecer á Mrs. Bomar. Sin mas por hoy, en espera de saber, como os hablais, con abrazos de Fca., besos de los niños etc., me reitero vuestro hermano.

MALGA.

Si teniais una oferta por Sarah menos de lo que os limito podreis
362 avisarmelo, pues tal vez me resolveria, si fuere poca cosa. Escribidme sobre todo, y dad celo un poco pa. conseguir la venta.

No. 7.

(Copy.)

Copy of letter addressed to Emilio Puig, esqre., care of Spanish consul, Charleston, S. C.

PENDLETON, 22 *Agosto* 1861.

ESTIMADOS PUIG Y JOSEITO: Admirado y sorprendido en estremo,

al ver vuestro silencio, á los dos que os tengo dirijidos, pongo por tercera véz mano á la pluma, en la esperanza de qué nó será esta, como los anteriores, desairada en ser contestada, pués bien podeis suponer, qué esta reserva tan impropia, necesariamente debe tenemos tanto á mi como á Francisca en bastante ansiedad.

Nosotros seguimos bien, sin embarga, Luisito no está aun bien de la indisposicion que os anumeré en mi anterior. La niña, creso estraordinariamente y segun los apariencias, parece será muy buena, pués dá,
la probrecita, muy poco que hacer. Desearé que por "Express"
264 me remitais 100 tabaccos flojos y qué tiren bien, que podreis tomarlos de salcedo diciendole que á mi buelta á esa, los satisfaré. Procurad sacarlos lo mos baratos posibles.

Espero que al contestarme esta, lo hareis tambien á mis dos citadas anteriores, dandome aviso de cuando entregarteis la que os incluya pr. el viejo Mr. Hall cuando há estado este api, y al mismo tiempo si podeis, averiguar algo, del escritorio, etc. Enfin como siempre os tengo encargado decidme, todo cuanto creais pueda serme de interés. Recibid mil afos. de Fca. y demas, besos de los niños y con recuerdos á Moncada, Riols y fl. Triest y familia, etc., etc., queda os hermano que os aprecia.

V. MALGA.

Contestadme puntualmente á los parrafos de mis anteriores, este á sobre la negra, cobro de dinero, etc.

Creo habreis adelantado algo en la venta de la vieja Sarah avisadme al momto. que tengais oferta, y escribidme sobre todo estansomente.

365 No. 8.

(Copy.)

Copy of a letter addressed to Emilio Ping, esqre., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 2 *Setiembre* 1861.

ESTIMADO EMILIO: Están en mi poder tus apas. 27 y 30 Agosto ulto. à las cuales voy á replicar.

Gracias por los informes que con respecto al privateer Jeff. Davis, y sus Prices me dás, esperando continuarás dendome cuantas noticias vayas adquiriendo en lo sucesivo, ya sea con respecto al mismo particular, como con cualesquier otro qué conozcos pueda.

Mucho siento, la indisposicion de la negra Sarah, asi como deseo que se ponga pronto bien. Cual vosotros mismos, no considero facil su venta, y solo como yí os dije me da esperanzas de ello, lo que tiempo
atrós, y cuando supo ella, que trataba de venderla á Mrs. Bo-
366 mar, me dijo ella misma, este és, que si yo queria venderla, se lo dijera, pues podia ella encontrarse un anno con facilidad y prontitud, circonstancia que debeis tener presente y manifestársela. Con respecto á Sabina, no sé que decidir, pues recordareis qe. Mrs. Bomar, la queria, y aunque yo desearia tambien vendarla, quisiera efectualo, á ultimo estremo, y en todo caso, por la virtad de su valor al contado. Si Mrs. Bomar, os indica alguna cosa, yá me lo escribireis, pués lo que más me conviene es render la vieja, pr. qué Sabina, será siempre vendible y cuanto mas tarde en venderla, mas voldrá y mas precio debera darme mas adelante Mrs. Bomer, del que me ofrecio. Procurad cobrar lo que podais de Torrens, yá que es prometió pagaros esta semana.

Observo que por hallarse Mr. Hall en Aiken, le remitiste la última qué

pr. el te inclui y yá me dirás el estado de su mujer, cuando el llegar, á cuyo efecto, deseo que vayas á verle, y se lo preguntes, entregandole al propio tiempo la que ahora te acompaño—ó remitiendosela si se hallarse ausente.

367 Puedes ver á Roget, y decirle que ninguna carta he recibido de H. L. & H. así es qué no sé que pensar, y qué naturalment, la duda en que estoy, me hace alguna vez pasar algunos malos ratos, que me los evitaria, si podra Roget conseguir hacerles tomar su propia nota locual decidle espero lo pruebe de nuevo y con todo empeño, porqué, seria el modo de entonces quedar yó libre. Suplicádselo pués en mi nombre, qué se lo agradeceré, pués yá sabe el que yo hariá y haré siempré cuano pueda en su favor. Al mismo tiempo decidle, que seria una gran ventaja pr. consequir que tomasen su sola nota, que fuese á perdirselo, dandoles algun dinero á cuenta de la deuda, pr. lo cual, debe hacer un esfuerzo qué lo haya pués y lo pruebe, y qué os diga, como ha que dado con ellos, pr. poder comunicarmelo vosotros, pues creed, que es asunto este pr. mi, de importancia en la actualidad, y debeis assurar á Roget pr. que haga un esfuerzo en librarme del compromiso.

368 Escribidme pués lo que haiga sobre este particular. Dadle á el y esposa, nuestras memorias.

Mucho nos hemos alegrado todos de ver que Mrs. Bomar con Bob. Eduardo y Mary estarian en esa ayer, locual nos hace creer, que Bob. está ya mucho mejor. Dadles pués en nuestro nombre mil enharasbuenos asi como nuestros mas sinceros afectos pr. todas.

No enemos par aqui novedad, pero Luisito, sigue siempre con la barriga mala, cuya tenacidad me dá yá algun cuidado; Fca. sigue muy gruesa, y lo mismo la niña, pudiendo tú y José, recibir un abrazo de su Sr. besos de los segdos. y afos. de Guillo., sue, Sloan, etc., etc.

Sobre todo escribeme amenudo y estensamte. y no olvideis la venta de la negra Sarah pues la oferta que tengais, arisadmelo, pr. poder ordenaros venderla, pues $50 mas ó menos, no importaria, pr. venderla. Ella nisma repito creo podrar encontrar comprador, y decidle á ella que haya un esfuerzo. Nuestros afectos á Mr. Riols, Moncada y conocidos, y vosotros disponed de vuestro hermano que os aprecia.

MALGA.

Recordad qué la venta de Sarah, quiero al contado, aunque sea dandole por bajo precio.

369 No. 9.

(Copy.)

PENDLETON 6 *Octe.* 1861.

ESTIMADO EMILIO: Recibí la tuya del 3 imponiendome de cuanto en ella me dices. Esta mañana, con gran sorpresa, he recibido un apremio de ese sheriff, por falta de pago de taxas, locual creia como siempre que este año las habia pagado Mr. Hall. Por consiguiente, te incluyo dho. apremio, y vete pronto con Mr. Hall, pr. qe. me haga el favor de arreglarlo, y si el no queria, ó hó se hallaba en esa, suplica á Mr. Riols que te acompañe, ecsamine lo que debo pagar, y pagadlo, que á mi vista lo devolveré á quien te lo adelante, sea Riols, ó Triest, etc., etc. Deseo que sin perdida de tiempo atiendas este particular, yá que Mr. Hall lo ha olvidado tan por completo, siendo una verguenza, que la casa, por una por quena, no lo haya arreglado; digo este, por suponer que se han dirijido á la casa, cuando el sheriff me ha escrito á Pendleton, donde

no podia saber, estaba yó, á menos que esnard se lo dijera·
370 Enfin paciencia, y como lo he dicho si Mr. Hall no quiere arreglarlo, ó no se halla ahí, espero que Mr. Riols lo hará en acompañarte pr. cancelar dhas. taxas, que por cierto no son mas qe. $413 como verás.

Anoche llegó Mr. Sloan de Virginia filizmente, y supongo que dentro unas dias, tendré el gusto á abrazaros. Francisca, tiene una fuerte tos, que no la deja descansar de dia ni de noche, los niños, totos perfectamte. y todos los de esta, os saludan á tí, Joseito y demas lo mas cordialmente, lo mismo que á Moncada, Riols y conocidos. Las noticias que ha trahido Mr. Sloan, son de que habrá en breve importantes movimientos por nuestro ejercito.

Supongo habrás recibido la mia de ante ayer, y á ella espero contestacion. Francisca, está frenetria por venir, pero no puedo llevarla, sin antes ver como quedo con Mrs. Bomar con la sabina.
371 Sin mas, por hoy, en espera de tus apes. escritos me reitero tu primo.

MALGA.

He sabido qué el "Nashville" no ha podido salir, á consecuencia de haber afuera la barra 5 buques bloqueadores. Ya me escribirás cuato ocurra y sepua. ¿ Saber á que ha ido el capn. del Jeff. Davis en Richmond?

Adios escribeme sobre todo ámenuda y estensamente. Aguardo contestacion á mi ultima.

372 No. 10.

(Copy.)

Copy of letter addressed to Emlio Puig, Esqre., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 20 *Julio.*

ESTIMADOS JOSEITO Y EMILIO: He recibido los dos de Puig, y voy á contestarlas, pero ante todo os participo con el placer que podeis imaginar, que á las 3 horas de esta tarde, Francisca ha dado á luz, una robusta niña, con toda felicidad.

Espero lo comunicareis á Mrs. Bomar y amigos de la fonda, sin olvidarse de hacerlo ass mismo con Miss Anna Owen, Mr. Triest, fama. Torrens, etc., etc.

Recibi el mosquitero, pero no aun, el barril ni la caja, locnal espero vendrá de un momento ó otro. Mucho me alegro de qué Tranquilino tenga colocacion, y así podreis decirselo asi como darle mis afos. con los de Francisca.
373 No me sorprende la trahaneria de Montaner, pues ya me la temia, y estoy satisfecho, en ver de todos modos que todo lo del farm está arreglado, deseando al potre anó, prosperidad. Á Joseito, que no pagar mas cuentas de lo qué le dijes, y el dinero que sobre, que lo guarde hasta que yo venga.

Supongo que habreis cobrado los $35 de los vats algo de Torrens, y qué se habrá recibido cuenta de venta de las patatas, (de Richmond) pues tsn. es ya de ello, pudiendo asi decirselo á Triest. Me es de gobierno ha nota de la suela, pero hubiera preferido yo saber los precios que ahi pagarian, por prime quality. Veré lo que se puede hacer no obstante.

Espero que cuanto sepais ó podeis aveñgnar con respecto al privateer

"Jef. Davis" me lo escribireis inmediatemente, pués como sabeis me interesa mucho. Yo aqui no sé mas de el, sino lo que reporto el diario, pero ignoro, que cargos eran los que apresó, si de mucho ó poco
374 valor, y si cstan ya á puesto. Repito, cuanto directa ó indirectamente, podais saber, avisadmelo al momento.

Tambien me conviene saber, cuando Mr. Hall se halle en esa, o se vaya, pues estoy esperando carta de el y de Esnard, en contestacion á una que les diriji, el dia mismo que sali de esa. Ála vista os esplicaré lo que pretende Esnard, que es una pillada, que cuando os lo diga apenar lo creereis. Si nó me contestan, será necesario que yo vuelvo otra vez. Si por una casualidad, al recibo dela presente se hallará ahí Mr. Hall, participedle en es nombre la venida de la nueva heredera, diciendole al mismo tiempo, que me sorprende mucho no haber recibido contestacion á la que diriji á el y Esnard, cuando en presencia de Guielo. me ofreció, que me contestarian pronto, y que todo estaria all right, me lo prometró esto por tres o cuatro veces: decidselo pues asi mismo, y que deseo recibir sus noticias tambien particularez, pues estamos anisosos de saber de su esposa.

375 Decidle que todos incluso Guillo. Sue etc le saludan y que yo espero que segun me oreció antes de salir, todo esta á esta hora arreglado. Sin mas por hoy, solo os pido que me escribais amenudo, que no olvideis remitirme si alguna carta hay en el escritorio pr. mi, y en espera de vs. escritos soy vuestre ho.

V. MALGA.

Quisira que me mandareis una docena cajetillas cigaros buenos sin alguno de ahi viene—de ho, magdolos por express.

Al mismo tiempo y en an mismo paquete mendadme un par zapatos No. 9, fuertes pr. Felicia y un par pr. Victor, No. 5. Una docena rodetes hilo, de coser bueno de los numeros 30, 40, 50 y 60, y si alguna cosita buena pc. la partera, quereis mandar, os lo agradecerá ella segun dice—esto es cosa de bucolica. Mandadlo todo lo mos pronto posible.

376 No. 11.

(Copy.)

Copy of letter addressed to Emilio Puig, esqre., care of Spanish consul Charleston, So. Ca.

PENDLETON, 25 *Julio* 1861.

ESTIMADO EMILIO: Anoche recibí la tuya del 23, por la cual reconozco vuestra satisfaccion al saber el feliz alumbramiento de mi nueva hijita, locual siempre esperaba, pues me constan los buenos sentimientos que ácia mi y Fca. os animan tanto á tí, como á Joseito! Ojala Dios me dé suerte, pr. podernos poner en el lugar que yo deseo! Igualmente considero la satisfaccion de Mrs. Bomar y conocidas con conocidos, á todos los cuales, os suplico les manifesteis nuestra gratitud.

Ayer, salió Guillermo, pr. Aiken, con el objeto de tener una entrevista con el viejo Hall, quien asi le suplico al primero, en una carta que le dirigió; veremos lo que resultará de dha. conferencia. Esnard,
377 segun parece, está dispuesto á valerse de los medios justos é injustos, pr. hacer mal á Guillermo, y á mi. Os aseguro, que me tienen estar cosas, yá fastidido al estremo, y feliz sera pr. mi el dia en que estaré arreglado con la consabida gente. Cuando veas pues al viejo, no le hables de nada, y si solo hay le saber el parto de Francisca. Será

bueno tambien, que tengais reservada la ida de Guillo. á Aiken, pues no conviene ni que E. lo sospecto.

Ansioso estoy de saber han entrado en algun puerto, los prices tomados por el "Jeff. Davis" y os suplico encarecidamente que cuanto sepuis respecto á el, me lo comuniques immediatamente, lo mismo, cuanto ocurra en el escritorio, averiguando con Esnard, si hay cartas pr. mi, que podreis remitirme en tal caso. Enfin, avisadme cuanto pueda interesarme.

Ayer recibí la caja y barril del vino, cerveza y fósforos, habiendo llegado todo, enteramte. salvo, sin rotura alguna. Deseo que mani-
378 festeis á Mr. Triest, lo sorpresa me causa el ver que no ha recibido aun cuenta de venta de las patatas, diciendole al mismo tiempo, que es necesario escutá á Richmond, pr. que la manden, pues las dhas. patatas deben estar tiempo hace, vendidas como el mismo Triest debe conocer.

Estoy esperando los ultimos encargos qu. os hize, y en mi antor. me olvidé encargaros, que participareis el alumbramiento á Esnard, en ns. nombre; por consiguentes, deseo que lo hagais ahora, y ya me direis como ha recibido el la noticia si con agrado, ó indiférencia.

Al amigo Moncada, decidle en nombre mio y de Fca. que le ofrecemos n. nueva heredera, y deseamos el momento de presentarsela—á Joseito, que tome la presente por propia, y que no olvide ir cobrandolo de Torrens, que es esacta la cuenta de Vidal, diga lo que quiera. Hacedle saber tambien el nacimiento de nuestra hija.

Escribedme sobre todo amenudo y estensamente, y con recuer-
379 dos á Mrs. Bomar y fa., en nombre mio de Francisca, y demas, con iguales á todos los conocidos y amigos, disponed como gusteis de vuestro.

V. MALGA.

Francisca me encarga os devinetra un abraza tanto pr. ti, como pr. Joseito aquien agradece infinito su carta. Deseamos todos, que los hijos de Mrs. Bomar, hayan salido iteros de la refuiojen ultima. Estamos tambien ansiosos aqui por la suerte de dos hijos de Mr. Sloan que estaban alli, y de quienes nada se habe. Cualquier noticia interesante que separe comunicadmela si Guillo. viniera por aqui (que no lo creo) escribidmelo repeto, vened oculta su ida á Aiken.

Soy vuestro,

V. MALGO.

380 No. 12.

(Copy.)

Copy of letter addressed to Emilio Puig, esqure., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 20 *Sete.* 1861.

ESTIMADO EMILIO: Anoche recibi la tuya del 17 que cursa, viendo por ella, que entregastes puntualmente á Mr. Hall, la ultima qué pr. el te inclui, y no habiendo aun recibido contestacion suya, ni á esta, ni á la anterior qué le dirigi, desearia procuraces verle, segun yá escribi á Joseito antrayer ó el otro, y al mismo tiempo de darle mis afos. recuerdos, los de Francisca, Guillo. y demás, decirle, que tanto yó como Guillo. estamos ansiosos de saber el estado de su esposa, y fama. asi como yo deseo tener una estensa contestacion á mis dos ultimas, locual estraño

no haya, hecho, pidiendole yo tanto en ellas que me contestará estensamente. Por consiguente que espero me hará el favor de hacerlo.
381 Gracias mil por las noticias me dás, las que espero me harás el favor de continuar, asi como vayan llegando á tu ahaure. Efectiv. amte. me ha gustado el articulo del Mercury, que ya habia leido anteayer en un diario de Columbia—ho hay duda, que el passo de España se hatraido las simpatias de esta Confederacion. Ahora solo falta que las Potencias Europeas, reconozcan pronto la ineficacia del bloqueo, pr. levantarlo, y poder nosotros trabajar, como deseamos y tanto nos conviene. Quedo impuesto de haber sido en caminadas las que pr. amengeral y Abril te acompañé, y espero que con alguna anticipacion irás comunicándome las ocasiones que se presenten pr. poder escribir, como me ofreces hacerlo del Gordon, si sale pr. Cuba, como se rumora. Siendo este vapor del Estado, como tengo entendido, supongo irá en tal caso, por órden ó comision del Gobierno, y en este caso yá me dirás, si puedes saberlo el objecto que lo conduzca alli. Digale al buen amigo Moncada que
382 si por su influjo, pudiera el, hacer que mis servicios en comision, pr. ir á cualesquier parte, por cuenta de este Gobierno Confederado ó por parte del nuestro (Español) fuesen considerados de utilidad, que los ofrecsa, pues estoy muy refastidiado yá de hacer nada, y cualesquier cosa hasia, con tal de estar ocupado y ganar al propio tiempo algo, mientras el bloqueo exista, durante cuyo tiempo ya sabe que no puedo esperanzar trabajar. Al mismo tiempo yá tendrá presente el, las buenas relaciones qe. visto en Cuba, como en España tengo, circumstancia que tal vez podria ser favorable. Enfin dile que espero que si en algun dia se le presenta ocasion pr. dar cabida á mi suplico, lo hará con todo empeño, persuadido de que jamas olvidaré cuanto por mi haga, que será estensivo pr. todos vosotros.

Quedo impuesto de la llegada del vapor de Fraser & Co. y me alegro mucho, lo mismo que de lo que me dices con respecto á Roget, locual mucho me conviene, pr. salir de compromisos. Mucho y mu-
383 chisimo me alegraria que fuese cierto el rumor de haber el buen Gari, llegado á Cuba, á salvo con una espedicion africana y cualesquier confirmacion que tengas de esta noticia, quisiera me la comunicares, pues ya saber cuanto me intereso por dho. Gari, del modo que te espresas, infiero qué nó vez diariamente á Mr. Riols, locual me hace dudar si continua con Moncada ó nó. Ya me lo dirás pues, y te suplico al mismo tiempo, le dés á el y su esposa mis afos. con los de Francisca y besos de los niños, diciendole que me seria muy grato de vez en arado recibir sus escritos.

Nada me escribió Joseito, con respecto á Sabina ni á haber averiguado indirectamente la idea á opinion de Mrs. Bomar pr. con dha. negra, que fué lo que tanto te encargue á ti y á José, pues me conviene mucho saber, si esta como me manifesto dha. Sora á mi dispuesta á comprarla, bajo los terminos que os tengo dicho, pues de durar mucho mas las actuales circumstancias, es el unico recurso que tenemos pr. mantener-
384 nos, por ocho ó diez meses, en cuya fin precisamente debe la situacion actual haber cambiado. Espero pues que lo hareis pero sin que ella conozca viene la averiguacion de mi parte, y cuanto ella os diga, podreis manifestarmelo pr. mi gobierno. Yo quisiera algo al contado por ella, pr. sufragar n. pequeñas necesidades y lo demás digamos la mitad de su valor ó algo menos, lo podria ella pagar á cuenta de boarding nuestro, que seria pr. ella una ventaja. Ya me direis tambien si habeis adelantado algo con Sarah.

Nosotros todos, no tenemos novedad G. D. escepto la niñita de Guillo. que la pobrecita esta muy malita de la denticion. Francisca, como podeis

suponer más que ansiosa de venir pr. estar con vosotros y enseñaros la noya. Yo pienso asi como vuelva Mr. Sloan de Virginia pr. donde va el lunes proximo, venir á venes y probablemente vendrá Guillermo. Si pr. entonces que supongo será á primeros de Octubre, no hay enfermedades, á mi regreso, despues de una ó dos semanos pienso llevar
385 á Francisca y niños á esa, y por esto es que quisiera saber las ideas de Mrs. Bomar, y si posible fuera, haber vendido á Sarah.

Dareis á Mrs. Bomar, Mary, Bob, etc., mil afectos de Fca. diciendoles que así que haga frio, ni no hay enfermedades, la llevaré ahi con ellos, que es en lo que ella, no piensa sino que sueño. Ya podeis decirles, que Francisca es una buena amiga suya de todas veras, pues en la ausencia, me lo ha bien manifestado. Recuerdos tambien á Triest y esposa, y demas conocidos, lo mismo que á Moncada, suplicandole á este que me escriba amenudo y estensamente y que no me alvide en cuanto he dicho al principio de la presente. Besos pr. el, de Victor y Juiie, así como de la noya, que tan ansiosa está Francisca de hacerle conocer. Dile que sin recelo me escriba, á cuantos particulares me refiero, pues ya sabe que soy incapaz de comprometerle, así como de hacer traicion á la amistad. Así pués cuanto pueda el comunicarme, será
386 pr. mi estrictamente reservado.

Y tu querido Emilio, no dejes de escribirme amenudo y estensamente, pues vuestras cartas nos son á mi y Francisca de gran satisfaccion. Y procura no olvidar ver á Mr. Hall, y decirle que me conteste estensamente. Abrazos á Joseito quien puede tomar la presente por propia, afos. á Salas, de quien ya me dirás algo cuando le veas, y con iyes. á Mr. Riols, dile que me escriba, cuanto sepse, y pueda serme de gobierno de cosas del escritorio y de los pensamentos de E——— que se lo agradeceré intimamente, y le aseguro bajo mi palabre de honor que cuanto el me confie, sera pr. mi estrictamente reservado, como lo he dicho siempre, pues le aprecio demaciado pr. comprometerle. Adios, escribeme sobre todo y dispone de tu primo que te quiere.

V. MALGA.

Dime cuanto averigues de Montaner se esta en la Habana, o donde y qe. le dice de el.

387 No. 13.

(Copy.)

Copies of letters addressed to Emilio Puig, esqre., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 3 *Octubre* 1861.

ESTIMADO EMILIO: Sin ninguna tuya á que referirme, paso á incluirte una pr. Mr. Hall, que me haras el favor de entregarle, si ahi se halla o de mandarsela á Aiken, si esta alli. Guillermo, recibio anoche la tuya con incluso recibo de las velas y miel, quedando satisfecho, y me encarga que te diga, no compre, el azucar blanco que te habia encargado, pues los precios son muy estravagantes. Guarda pués en tu poder y á su disposicion el saldo que queda deducido lo comprado, del importe del check que te mandó.

Hoy espero carta tuya, que cual todos los dias deseo recibir,
388 no tan solo pr. saber de tu salud y de la de Joseito, si que tambien por saber alguna noticia, con respecto á la venta de Sarah, ú otra cosa que serme de interés. A ultimos de este mes, o primeros del en-

trante, creo que es, que venee un pagaré del viejo Arro y Juan, por $100. Seria buena que con tiempo os informareis o averiguareis si lo pagarán al vencimiento, y tal vez, podria Joseito (como casa de el), lograr que lo pagaran antes del vencimiento, lo cual podrá probar, si quiere, y guardarlo en este caso, pues como el tiempo está tan malo, valdria mas tenerlo cobrado, que esperar. En fin sobre esto vosotros mismos, pues yo creo que nada les será á ellos dar los $100. Si los tienen, aunqe. sea antes del vencimiento. Ya me direis pues lo que hay sobre este particular, y decidme al propio tiempo, como les vá el farm si adelantan ó lo que hacen, y repito, si podeis por medio de una escusa (como cosa salida de vosotros mismos) cobrar los citados $100, ahora, seria mucho mejor, pues á mi me conviendrá Francisca, muy deseosa de venir.

389 No. 13.

(Copy.)

No. 2.

PENDLETON, 3 *Oct.* 1861.

ESTIMADO EMILIO: Tengo á la vista su estimada de 1°. ce. y le doy las gracias por la prontitud con que ha cumplido mi encargo. Ha hecho V. muy bien en no comprar el crushed sugar tendiemos que pasar con lo que tenemos.

La cuenticita he hallado conforme, y ahora espero que el saldo de $23.71, que tiene V. en sus manos, lo entregará á Bomar á cuenta del boarding de V. y Joseito lo que falta yo le entregaré cuando vajo que será tan pronto como vuelva Mr. Sloan.

Con memorias de mi Señora para V. y Joseito como tambien de mi parte para todos particularmente para Joseito, Mr. Riols y el Sr. Moncada que quedo como sempre su amo.

W. P. HALL.

Y SSS. Q. S. M. B.

Escribe V. todo lo que vaya pasando—diga á Joseito que recevi su carta y que tome la presente como propia.

(On the margin:)

23.71
16.70

7.01

390 y hablando continuamente de vosotros y de todos los amigos y amigas de esa, en particular de Mrs. Bomar y familia. En mi anterior ya te dije que no le hablares á esta ultima sobre la sabina, pues será mejor que á mi venida, vea yo si me arreglo con ella, lo cual sera indispensable, de un modo ú otro, pués si no se vende la vieja, es el unico recurso sabina, del que podemos por de pronto echiar mano, pr. mantenemos, hasta, vér si Dios quiere que desaparezcan las tristes circumstancias que hoy nos tienen tan aporados y en tante triste situacion de la cual te asseguro Emilio, deseo salir, pues solo Dios sabe los amargos ratos que yo paso. Si yo pudiese ir á Cuba ó Pto. Rico, nada me importaria, pues creo que allí podria encontrar algun dinero, pero lo peor, que ni aun esto puedo hacer á menos que salga algun recurso ó medio pa. ir allí que por esto escribi á Moncada. En fin confie-
391 mos en Dios, y el nos ayudará hasta mejores dias. Sobre todo

escribe me estenso y amenudo, cuanto por ahi sepues, dá mil recuerdos á Moncada, á Riols y familia, etc., etc., y con besos de los niños y afectos de todos, me reitiro de ti afmo. primo que te abraza.

MALGA.

Ya me dirás si Mrs. Bomar, manifestase disgusto, por tardar en venir nosotros á esa (lo digo por tenerle los cuartos ocupados), pero no creo que hay á mucha gente aun.

392 CHARLESTON, S. C., *25th Oct.*, 1861.

Messrs. PEREZ & MARTINEZ, *Havana.*

DEAR SIRS: I have much pleasure in introducing to you Mr. Emilia Ping, of the Spanish consulate of this city.

Should Mr. Ping have occasion to call upon you I beg you will extend to him your friendly reception and kind attentions during his stay with you.

Thanking you beforehand for your politness and attentions, which I shall at all times be most happy to reciprocate, I remain, dear sirs, yours faithfully,

CHARLES RAUSTED.

(Indorsed:) F 14 (5)—H. H. E.

393 No. 14.

(Copy.)

Copy of letter addressed to Emilio Ping, esqre., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 24 *Octubre* 1861.

ESTIMADO EMILIO: Esta mañana con la mayor sorpresa, he recibido la tuya del 22: digo con sorpresa, pues no podia pensar, que dieras ó tomarás una resolucion tan arriesgada, sin antes consultármela, y mucho mas cuando tu mismo confiesas en la tuya, qué en esta comision poco ó nada esperar que ganar, y considero desde luego por muy pobre el calculo, que hás hecho, de ir á correr el riesgo que se te espera, sin una proporcional recompensa maryormente, cuando hasta ahora, G. D. nada te ha faltado ni debias esperar nada te faltará en lo sucesivo, mientras yo y Guillermo tuviésemos vida. Si Moncada te manda, creo hubiera
394 podido hacerlo, por via de N. Orleans y Méjico, no esponiendote asi á la salida de esa, á ser preso por algun buque bloqueador, comi asi se lo diré yo cuando le vea, pero segun veo estás ya comprometido, y considero de poca fuerza estar muy naturales reflectiones que te hago; no obstante te repito, creo que te has precipitado, y de consultarmelo, yo te lo hubiera prevenido, pues en casos apurados es muy tolerable que el hombre se esponga, siempre que hajá un prospecto feliz, y alhaqueño, pero al contrario es, una lijereza, y una tonteria cuando ningun porvenir se espera, como te sucede á ti. En fin, si insistes en tu resolucion, siguela, pués ya eres hombre pr. saber apreciar lo qué te conviene.

Para lo que pueda convenirte, te incluyo una carta pr. mes amigos, J. Reuter, Mariano Carles, J Vila, y J. Masseras en todas las cuales te recomendo eficazmente, suplicándoles te entreguen si lo necesitas $60 ó $70, bajo la consideracion de que si uno de dhos. amigos no te sirviera bien, fueses al otro, y poder en tre varios, estar

seguro de que uno de ellos te atenderà, yo no tengo duda
395 que Mariano Carles, te recibirá como un hermano, y que si necesitas algun dinero, te le dara. Si está en la Habana, Amengual ó Granada, antes que pedir dinero, á ninguno de los á quienes te recomiendo, piderelo á cualquiera de ellos en mi nombre, esto es ó bien á Amengual ó à Granada, en cuyo caso, podrás enseñarles la presente, diciendoles que yo seré responsable, y les satisfaré los $60 ó $70, que te entreguen, si los necesitas, pues prefiero que causes á Amengual ó á Granada, mas qué á ningunos de los amigos que escribo. Si se hallan dhos. amigos y Capitanos en esa, diles que la falta de tiempo, y la duda de si estarán ya fuerá, hace que no les escribo, en particular al buen Amengual, á quien si acaso. Ya podrás darle un millon de abrazos mios, de Francisca, y los niños, diciendole lo mucho y muchisimo qué ansiamos verle, y tu mismo, puedes decirle la situacion de las cosas en
este Pais, lo fatal nos és, á los que estamos en el comercio, el
396 tal bloqueo, pues nos tiene sin recursos ni poder cobrar de los que nos deben. Enfin tu mismo, al mismo tiempo dile y cuántale, como estoy yó con Esnard y Mr. Hall, cuéntale, pero con reserva, cuanto ha ocurrido con el primero, las finaras pretensiones de Esnard, y qué con Guillo. solo esperamos se aclaren las cosas, pr. llevar á cabo nuestro plan de establecernos, y seguir los negocios. Conviene que solo con Amengual te diualgereis con respecto á esto, pues nada digas absolutamente de mis pretensiones ó ideas con Guillermo, á nadiemas; solo si, debes poner siempre á Hall & Co. en buen lugar, haciendo ver que la casa está bien, y que los socios segurmas tambien bien. Espero pues, que cual te lo digo, lo cumplirás, pues debes ir con gran cuidado sobre el hablar. Si alguno te pregunta, si la casa vá á liquidar ó disolverse, digas que nó, há llegado tal cosa á tu noticia, y que estás seguro de ello, por ahora, pues el que se creyerá lo contrario, nos desbarataria el plan
que con Guillermo, nos hemos formado ultimamente, hoque se
397 debes hacer es averiguar con Amengual si es posible, lo que ha dicho por ahi de mi Montaner, é ideas del mismo con respecto á establacerse pues estos informes, podrian sernos á mi y á Guillo. de gran gobierno, si son positivos. Vés lo que con Amengual podreis averiguar, y saber, pero te repito, con nadie mas seas franco, que con Amengual, porque no conviene que nadie por ahora sopas nuestros intenciones con Guillo.

Yo escribiria á Font de Trinidad, pero no tengo tiempo, pues tan corto es el tiempo, que no puedo serlo mas.

Francisca siente muchisimo tu ida, y mas sin poder verte, pero te desea suerte y que vuelvas pronto. Si es que te resuelves á ir, pues ella aun tiene esperanza que nó irás. Yo como puedes suponer, te deseo y ruego á Dios, te de mucha fuerte en pasar el bloqueo de ida y venida, pues no sabes tu lo mucho que te aprecio, y cual pr. mi mismo, deseo tu felicidad. Si alli podias conseguir café, yo creo que te pagaria
tanto ó mas que tabacos, y por este razon es que en las cartas
398 hago mencion de ello á mis amigos. Aunqe. no necesites el dinero de minguno de los que te recomiendo ver á verles y hacerles una visita.

Sin tiempo pr. mas, deseando muy sinceramente tener el gusto de abrazarte lo mas pronto posible, y con suertes, recibe abrazos de fca. que manda mil cosas pr. Amengual y Granada, y con besos de los niños, se reitera tu afmo. primo que te aprecia.

MALGÁ.

A Mariano Carles, lo encontrarás en el Palacio del General, abajo en la oficina de Rl. Estadistica. Es tambien agrimensor del Ayunta-

miento. Vola es socio de Rafael Vile eca. ó Slopert Vile eca. Calle de oficios, y el mismo Vila, te informará de J. Masseras, que es de Matano y muy amigo mio. Este fue el que me recomendó á Tharbes.

En el desgraciado caso, que te apresáran, amendates de ante todo, destruir las cartas que te entrego, y los despachos que te dé Moncada, y lo mejores, que los heches al mar con un peso de plomo á otro peso. Esto cuando veas que vais á ser apresados y siempre.

399 No. 14.

(Copy.)

No. 4.

2 pomos Purgante Leroy. No. 2, y 3. B. Riols.

Miss Williams un par de guantes Cabutilla, No. 6¾ y sino 7 lo mas pequeño posible. 3 pares si son barotas.

Para Mollie un par de botinas No. 13. Joseito un cuarto billete de lostria.

Una Da. de Cundons.

$.

No. 14.

(Copy.)

No. 3.

Salcedo & Bierck, importers of Havana Cigars, 91 Meeting street, Charleston, S. C. Antonio Salcedo. Adolf Bierck.

(The following is written in lead pencil on back of above card.)

Salcedo mandeme unos esclarones como el que tiene V. peró de plata, con el Señor de Puig abuelta de la goleta que aqui se vende may bien y muis bejegas.

JOSÉ.

400 No. 14.

(Copy.)

No. 5.

Copy of letter addressed to Messrs. Perez & Martinez, Havana, 95 Sanpaulla str., introducing Mr. E. Puig.

CHARLESTON, S. C., *25th October*, 1861.

Messrs. PEREZ & MARTINEZ, *Havana:*

DEAR SIR: I have much pleasure in introducing to you Mr. Emilio Puig, of the Spanish consulate of this city.

Should Mr. Puig have occasion to call upon you, I beg you will extend to him your friendly reception & kind attentions during his stay with you.

Thanking you beforehand for your politeness & attentions, which I shall at all times be most happy to reciprocate, I remain, dear sirs, yours faithfully,

CHARLES ROASTED.

401

No. 14.

(Copy.)

No 2.

Copy of letter addressed to Sor. Dn. Mariano Carles, Agrimensor Publico y 1er á oficial de la Rl. Estadistica, Habana.

CHARLESTON, 25 *Octobre* 1861.

ESTIMADO HERMANO: Hàsando á esa, mi primo, Emilio Puig, hjo de la tia Matilde, y no habiendo estado nunca en esa, me tomo la libertad de recomandartelo en todos conceptos, esperando que tanto tu como tu esposa, le atanderen, como si fuera yo mismo, durante el poco tiempo que ahi permanezca. Ademas te suplico que en caso de necesitar dho. Emilio algun dinero pr. sus gastos, le adelantes de mi cuenta, hasta la cantadad de sesenta ó setenta pesos, los mismos que te serán satisfechos con toda puntualidad por sa. ocasion.

No dudo que atenderás mi recomendacion con todo eficacia y en este concepto, te doy adelantadas gracias, por cuanto en su obsequio hagas, seguro de mi eterna gratitud y junta reciprocidad.

Aqui, nos hallamos, quendo Mariano, amalodas por la dichosa guerra y bloqueo de nuestros puertos, peyundicandonos bastante lo ulti-
402 mo, pues nos tiene á todos los que estamos en el comercio, enteramente parados. Es de esperar no obstante, que las circumstancias cambiáran dentro poco.

Tanto mi esposa, como niños, desean mucho conoceros, y no será estraño, que arregladas las cosas, venga á dar un paseo, y en ese caso os los llevaré á conocer. Debo comunicarte, qué en adicion á los dos hijos varones que tenia, el 20 Julio, tuvo una niña, que vs. ofrecemos como á una de la familia. Mi primo, os podrá dár detallados informes de todos, y me abstengo por tal motivo, de ser mas estenso. Concluié pues, suplicandole enterer bien á Emilio, como debo dirijirle las cartas, pr. que lleguen á tusmanos, pues el no haber recibido contestacion á algunas que te he dirijido, me hace creer, que nó las has recibido.

Un abrazo á tu amable consorte, besos mil, á las niñas, y recibiendo todos, mil cariños de todos, dispon tú como gustes de tu hermano que te aprecia con todo su corazon.

V. MALGA.

¿Sabes tu algo, de nuestros podres? Ya hace cuatro meses que nada sé. Escribime sobre todo, debes insistir, en que tú eres un pasa-
403 gero español qué te volviás á España por via de la Habana, y que por esto te habias embarcado. Pa. confirmarlo mas creo que seria buena, te diese Moncada un passaporte, en el cual digera, que pasar á la Habana pa. embarcarse pr. Barcelona, y asi seria mas desimulado. Debes pues hacerlo asi, y ni tengas cuidado. Repito, no olvides destruir las cartes, ó hecherlas al mar, pues de no hacerlo, me harias á mi y á Guiello. un gran perjuicio, pr. en caso de armar nosotros una espedicion. Confió pues en qué asi lo harás, y que no dejarás esto en olvido. Ya inclusa una pr. Rivera de Guillermo. Tu mismo puedes poner dentro un carpete, las cartas que te incluyo pr. la Habana, y tu mismo, puedes ponerles un sobre. Digas á Joseito, que diga á Mrs. Bomar que el miércoles procsimo saldré con la familia, para esa si no hay novedad, y que haya blanquear los cuartos. Á moncada entregale la inclusa, y á Joseito, que la semana procsima le escribiré fije mi salida.

MALGA.

404 No. 15.

(Copy.)

PENDLETON, 23 *Octubre* 1861.

ESTIMADOS EMILIO Y JOSEITO: Anoche llegamos felizmente y sin novedad, encontrando á todos en igual estado: Al recojer los encargos del baril, encontramos á faltar un balto, con dos pares zapatos que Guillermo compro pa. la vieja Mrs. Sloan, y que dice está seguro los puro en la sala, junto con los demas encargos. En este caso, precisamente deben por olvido haberse quedado ahi, ó bien en la sala, ó bien en mi cuarto, lo cual podreis ecsaminar municiosamente pues seriá fácil, que yo los hubiese dejado en mi cuarta, ó puesto sin pensar, dentro el armario, dentro la caja aquella que habia en medio del cuarto, en la comoda, ó en otra parte, ó en la misma sala. Enfin miradlo bien, y como no hay duda que deben encontrarse, amenos que se los hayan llerado (que no es facil) y mandadlos por express, lo mas pronto posible. Mañana ó pasado os escribiré pr. qué manifestais á Mrs.
405 Bomar mi decision, que probablemente será venir con la familia, pues aun no puedo hoy decir nada, pero repito os lo escribirà.

Memorias mil á Moncada, y dile que no se olvide de hablar á Mr. Mills, pr. que interese en el plan que pensamos llevar á cabo, y que por otra parte no olvide escribir á Savannah, sin dejar lo del Gordon. Supongo que habrás recibido una que desde Columbia, te inclui pr. Mr. Hall, y que se la habrás entregado. Dile de palabra, que haya esfuerzo pr. conseguir ns. plan y que yo estaré ahi, dentro poco.

Ya me escribirás cualqe. acontecimiento que hanga. Dile á Moncada que le escribiré mañana ó pasado sin falta, segun le ofrece.

Ms á todos, y mandad de vuestro.

MALGA.

406 No. 16.

(Copy.)

Copy of letter addressed to Emilio Puig, esqur., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 10 *Setiembre* 1861.

ESTIMADO PUIG: Anoche recibí tu grata del 7 po., la cual veo que os hallabais tu y Joseito buenos, cabiendome la satisfaccion de poder comunicarte iguales buenas noticias por nuestra parte, pues hace dos dias que luisito está mejorando natablemente, peró se le ha dejado la indisposicion que sufrió, bastante delgado.

Graceas mil te doy, por la puntualidad con que entregastes mi inclusa á Mr. Hall, de quien hace dos dias recibí cartas tambien, pero no en contestacion á aquella ultima á qué tu te refieres. Me hé impuesto de cuanto me dices con respecto á lo qué Roget te dijo, y mucho me alegraré cumpla el con lo qe. te ha ofresido de dar en breve tiempo, algun
407 dinero á H. L. & H. en cuyo caso, lo que debea él hacer, es al entregar el dinero, hacer una nueva nota, con su solo nombre, librandome así á mi, de toda responsibilidad. Le darás memorias de mi parte, y encárgale qué haya esto, asi como te avise á ti, si ha podido conseguir hacerles tomar su nueva nota, pr. tu poder comunicarmelo.

Yá puedes considerar la fastidiado me hallo, al ver que pasán semanas tras otras semanas, y la situacion general de las cosas no mejora, pr.

nosotros, poder trabajar, de modo que ya empieza esta contrariedad á aflijirme, si bien por otra parte, no nos queda mas remedio que tomar paciencia, en la esperanza, de que, tampoco puede la actual situacion durar por muchos meses mas.

El silencio, que con respecto al escritorio me guardas, me hace creer, qué debido á la reserva de Esnard, no pudeis saber nada, lo cual siento, pues no sé absolutamente lo que allí dentro pasa. Espero por lo tanto, que si por casualidad llegar á saber algo, me lo comunicarás sin falta, pues estoy ansioso de saber lo que hacen, asi como siquen E ——— y Mr. Hall, desde que yó falto de esa.

408 Me he impuesto de las noticias me dás de haber Fraser recibido dos cargantos. así como de qué esperan otro por un vapor, que no estrañaré tambien llegue á salvo. Deseo que continues, dandome todas las noticias que nó pueden serme transferidas por los diarios, asi como cuanto sepas, con respecto á las decisiones de los prices tomados por el privateer J. Davis, á cujo Capn. segun tengo entendido ván á transferir el "John Welsh," armando completamente. Enfin comunicarme cuanto puedais saber, y creas tu puede interesarme.

Veo que Sarah, estabá ya mejor, y que iba á ver si conseguia comprador, aunque no miro tampoco muy facil su venta, es del caso que lo problemos con algun empeño, y ella con tal de no pertenecer á Mrs. Bomar, hará (yo lo sé) un gran esfuerzo, pués además de convenirme hacerme con algun dinero, el ser ya Sarah, de mucha edad, le espone á moinse el dia mas clara, y perderlo entonces todo, ó á inutilazarse, y tenerla yo que mantener. Asi és que estoy determinado á venderla, por poco

409 precio qué me ofrezcan, y á ella podeis decirle, que si nó encuentra pronto amo que la compre, me veré en la necesidad de venderla á Mrs. Bomar, y esto estoy seguro le hará buscar con todo empeño. Ya me direis pues lo que adelanteis sobre este particular, y ojolá podais escribirme pronto que la habeis vendido, aunque sea por menos de $300, pues estoy determinado á darla aunque sea muy barato.

Mucho me alegro de ver llegado á esa Mrs. Bomar, con Mary, y el pobre Bobb. Suplicando os dices en hombre mio y de Francisca, mil afectos á todos ellos, manifestandoles al mismo tiempo los grandes deseos tenemos de verles á todos, en particular Francisca, que no habla mas que de ellos, y de venir á esa. Ya me escribireis, si Mrs. Bomar, os hablado algo de la Sabina, y creo será muy bieno, si ella no os habla, que yo cuando estuvé en sa, senti, ese hállara ella ansente, por no poder quedar acordes con la venta de dha. negra, que asi me lo visteis decir; pués será esto bueno, y ya me escribireis lo que ella os diga, pr. entonces serme de buen

410 gobierno, y si ella me escribe sobre el particular, ú, os encarga me digais algo vosotros, escribirle entonces yá, y ver si arreglamos de una vez la venta de Sabina, con ella, que me gustaria mucho. Espero pues que asi lo hareis, y de un modo bastante suyaz, pr. que ella no puede comprender, que esto ha salido de mi, y conocer que tengo deseos de venderla, que no convendria, pr. el ajuste. Ya me lo escribirás pues, que os ha dicho ella.

El viejo Mr. Hall, me incluyo una de Amengual de la Habana del 13 Agosto, muy laconica, pues solo me anuncia su llegado el 7, muchos deseos de saber de vosotros, y de venir, con espresiones pr. todos.

Francisca estuvo muy satisfecho de tu carta, y te de las grac. . . n. . . . tras te pide la escusa por no contestarla, pues los niños le tienen, . . poder hacer nada mas que atenderlos.

Supongo habreis recibido $35 que Guillo. os mandó para pagar vuestro boarding segun el me dijo.

Sin mas por hoy, con abrazos á Joseito, y afos. á Mr. Riols y Sra., Mr.

Triest y Sora., Mrs. Bomar, etc., etc., en nuestro nombre, recibid
411 vosotros el mas fraternal afo. de vuestro hermano.

MALGA.

Te agradecére entregues las inclusas á sus dueños, y escribame si asi lo has hecho, y si Mr. Hall se halla en esa. Si Mr. Hall no está ahi mándesela á Aiken.

412 No. 17.

(Copy.)

Copy of letter addressed to Emilio Puig, esqre., care of Spanish consul, Charleston, So. Ca.

PENDLETON, 13 *Setbre.*

ESTIMADO PUIG: Anoche recibí tu grata del 11, por locual veo, no habiais recibido aun mi anterior, esperando que hoy ó mañana, recibiré una tuya en contestacion á la dicha y sus particulares.

Te doy mil gracias por los informes ó noticias me dás, con respecto á las ordenes que ha recibido Moncada de Washington, locual me alegrá, pues esto dá esperanza de un pronto reconocimiento, y tal vez de un breve levantamiento de bloqueo, que bien lo deseo, pr. poder trabajar, pues ya la cosa, se va haciendo pesada á mas no poder, por todos conceptos y estilos.

Me alegro de ver ha llegado Salas y á salvamto. con su espedicion la cual supongo, le habrá dado al pobre un buen beneficio, y lo mis-
413 mo á Sloan, por su interés en el buque. Amengual me dice que Salas estuvo con el dos dias, y que el me daria sus noticias verbales. Como yo no puedo verle buene será que tu le veas y le preguntes, dandole al propio tiempo, mis afectos, y entrovabuena de haber llegado en bien. Puedes pregantarle al propio tiempo, si Montaner (Fco.) estaba en la Habana, pues Abril en su carta me dice que el tal temante, habia hablado muy mal de mi, pero no me dice donde, mi como, in que, y esto me hace pensar que Montaner está alli. Te incluyo dos cartas pr. Amengual y Abril, que me harás el favor de mandar por el primer buque que salga, y que pr. mayor seguridad podrais dar á Moncada, pr. que haga el favor de recomendarlas y entregarlas el mismo. Si no saliera buque y Moncada tiene occasion de mandarlas seguras á Washington, digale que las agradeceria muchisimo, me haciera el favor de duplicarlas al ministro pr. que las encaminera por via de New York, y este ultimo medio, si es possible, seria el mejor y mas seguro.
414 Lo dejo pues á tu mano, y dale anticipas. gracias á Moncada, con mis recuerdos los de Fca. y demás.

No tengo ni papel ni tiempo pr. ser mas estenso, escribame estensamente cuanto sepas del escritorio y demas, dime algo de Mrs. Bomar con respecto á Sabina y con afos. de todos á todos es tu

MALGA.

415 No. 18.

(Copy.)

Copy of letters addressed to Emilio Puig, esqre., care of Spanish consul, Charleston, So. Ca.

PENDLETON 28 *Sete.* 1861.

ESTIMADO EMILIO: Recibí anoche la tuya del 26, y me alegro mucho

ver por ella que tanto tu como Joseito as halláis yá bien de las pequeñas indisposiciones qué os causó la mudanza del tiempo, locual hemos tenido aquí, muy notable tambien, particularmente de ayer ó hoy, pués esta mañana hace un frio bastante fuerte, en terminos de sermos agradable y necesario el fuego de la chimerica. Quedo impuesto de haber cumplido tú, con ver al viejo Mr. Hall, si bien no me dices ni palabra de lo que te ha dicho con respecto á no escribirme ni tampoco, si recibió por Salas, los tabacos que me dijo el, le habia encargado. Tomate pués la
pena de volverle á ver, y decirle, que tanto yo como Guillo. esta-
416 mos sorprendidos de su silencia á mis dos últimas. Me sine de gobierno cuanto me dices acerca de la salida del "Nashville" y has hecho bien en escribir á tu familia, locual, no hago yó con la mia, por suponer no llegaria la mia á tpo. por salir hoy dho. vapor, segun dijo, un pasagero que llegó ayer de esa. Mas adelante escribiré seguramente á Cuba, y será bueno que me escribas cuantas ocasiones se presenten, así como cuantas noticias lleguen á tu alcanze, y que consideres tu, puedan serme de gobierno.

Mucho siento cuanto me dices de la negra Sarah, y no hay mas qué comformarse, sin por esto dejar en olvido el lograr nuestro objeto con ella. Sobre la Sabina, nada le digais á Mrs. Bomar, pués cuando yo venga procuraré vér si me arreglo con ella, pues asi quedamos la ultima vez que nos vimos con ella, én cuyo ocasion ya quedamos casi comprometidos, puede decirse.

Nosotros todos, seguimos sin novedad habiendo G. D. mejorado la niña de Guillermo, y tambien ns. Luis, pero yó y Guillermo tambien muy causados ya de esta vida, mucho mas, cuando.

417 No. 18.

(Copy.)

Copy of letter addressed to Emilio Puig, esqre., care of Spanish consul, Charleston, So. Ca.

ESTIMADO EMILIO: Incluso hallará V. un check endorsado á su órden por $65. Hara V. el favor de comprar y ambrar imediatamente, un baril de "crushed sugar" un bbl. N. Orleans molasses, y una caja de velas de la marca "George Shillitto," creo que todo lo podra V. obtener de Messrs. Cobra y Ca., sobre todo que el molasses sea buena y dulce, la ultima que compre fue de Cobra y Salia muy bueno. Si no hay velas de la marca arriba indicada puede comprar de cualquier otra que sea adamantina.

Esto siendo encargo de Mr. Sloan espero que hará V. lo posible para obtener todo á precios equitativos y de buena calidad.

Las cuentas me lo embrara V. con el recibí, y si hay dinero
418 suficiente puede V. suplirlo, yo lo devolveré á la vista que será entre 15 dias. Con memorias á Joseito y demas quedo su afmo. y SSS.

W. P. HALL.

Todo ha de ser marcado B. F. Sloan, Pendleton, S. Ca., via Columbia & Granville R. R., un bbl. molasses & box candles, $41.29.

419 la cosa se va alargando de una ma nera muy pesada ya.

Puedes dar á Moncada nuestros mas cordiales afectos, diciendole que recibi la suya, y que á ella le contestaré, agradeciendole entre tanto sus buenos deseos pa. conmigo, los misonos que reciproco con todo mi corazon. Lo mismo puedes decir á Mr. Riols, cuya separacion de

Moncada, me temia yá. De todos modos, me alregro ver que tu estás algo ocupado, pues asi te pasa mejor el tiempo, y si algo te dá, te ayadará siempre siempre para los gastos. Ojalá pudiese yo, hallar un medio tambien pr. ocuparme, pues estoy mas que refastidiado ya, y deseo venir, por vér si puede hacer algo.

Nuestros afectos á todos los Bomars y demas conocidos, con mil afectos de Guillermo, y demas, y con recuerdos á Joseito, dispon tú de tu primo que te aprecia de veras.

V. MALGA.

Sobre todo escribeme amenudo y estensamente, cuanto sepas.

420 No. 19.

(Copy.)

Copy of letter addressed to Emelio Puig, esqre., care of the Spanish consul, Charleston, So. Ca.

PENDLETON, *Mayo* 12 '61.

ESTIMADOS JOSÉ Y EMILIO: Segun os ofreci, paso á comunicaras ns. arribo á esa felizmente ayer á las 5th de la tarde, encontrando á Guillo. familia y demas todos buenos.

Espero no olvidareis cuanto os dijé encargado en el papelito que os escribi, desde lo estacion del ferro-carril, asi como tambien qe. ireis á visitar amenudo á Mr. Triest, haciendo con el, lo qué creais mas oportuno, con las patatas, pr. sacar algun partido de ellas, no perdiendo de visto tampoco, que necesitamos sacar algun dinero. Bueno seria, que Joseito, mi rará si en algun almacen, ó futeria, podia vender algunos barriles. Os repito preciso es esparilarse, pr. hacer algun dinero de ellas.

421 Asi mismo, deseo me escribais, cuanto ocurra en el escritorio, y como Esnard, recibió mi carta, como esta la mujer de Mr. Hall, etc., etc., todo cuanto creais pueda serme de interes. No dejeis tambien de in al correo, y mandarme las cartas que para mi haiga, procurando que E ——— no me intercepte ninguna de ellas.

Á Mr. Riols, le dareis ns. afectos, diciendole que si tiene ocasion de hablar con E ——— le hables. Á Moncado tantisimas cosas, y queme escriba, que yo tambien le escribiré mas adelante. Recuerdos mil á Mrs. Bomar, Mary Bomar, Miss Anna Owens, y demas en nombre de todos, y cuando venga Mr. Hall presentadle tambien ns. respectos, escribidiendome cuando el venga.

Á Joseito, que sera muy agradable pr. mi, que dé alguna lecciomita á la sobrina de Mr. Triest, pues ellos me lo pidieron, y yo insisto. En este mundo bueno es complacer pues á quien menos pensamos necesitamos.

Recibid besos de los niños, un abrazo de Francisca y muchos recuerdos de Guillo., sue, Mr. Sloan y familia y vosotros cuidare, y or-

422 nerad á vvestro hermano &

MALGA.

Francisca me encarga sobre todo, que digais á Mrs. y Miss Bomar, que no las olvida ni un momento, pues les considera como de su propia familia. Á Joseito que vea á Jordi (el pescador) y que le compre lo mas barato posible la cuarterola vino que tiene, y que la mande por-Express. Si aquel no queria venderla toda entonces mandad un par de garrefones yo los pagaré.

Á Mr. Triest, Señora è hijo, nuestros afos. recuerdos, diciendoles que no les olvidanos.

Escribidme sobre todo amenudo os lo pido con empresio. Si hay alguna noticia interesante escribidmela.

423 No. 20.

(Copy.)

Copy of letter addressed to Emilio Puig, Esqre., care of Spanish Consul Charleston, So. Ca.

PENDLETON, 17 *Agosto* 1861.

ESTIMADOS PUIG Y JOSEITO: Sin ninguna vuestra á que tener el gusto de referime, silencio que me sorprende, pues hace una semana, que nada sé de vosotros, paso á incluiros á la presente, una pa. N. York, que me hareis el obsequio de remetirlo mas pronto posible y por express.

Por aqui no ocurre novedad, habiendo en estos dias, tenido á Luis un poco indispuesto, pero está ya casi del todo bueno. Victor y la niña creciendo remarcablemente.

Espero reciber carta vuestra, por sabrs si entregasteis la que os incluia pr. Mr.Hall y si el os dijo algo pr. mi. Al mismo tpo. tambien supongo habreis visto á S. Roget, pa. decirme comó quedó con la
424 nota en casa de H. & Rak. Cosa que tambien os encarqué mucho, pues sabeis me tiene con ansia dho. asunto, y estraño nada me hagais escrito.

Espero que debido á vs. esfuerzos alguna de vuestras prócsimas, me informará de haber verificado la venta de la vieja, segun y tanto os encargué en mi ultima, pues me seria muy necesario y conveniente, por de este modo hacerme con algun dinero. En fin, ya me avisareis lo que sobre ello adelanteis, locual deseo os mirlis con mucho empeño, bien que ello misma,creo lo conseguirá facilmente. Escribidme sobre todo, cuanto por ahi ocurra, y qué creais puede interesarme, y con abrazos de Fca., Go. y Luc y besos de los niños, dad nuestros afos. á Moncada, Mr. Riols y familia, Triest etc. y vosotros, disponed como gusteis de V. hermano.

MALGA.

Guillo. dice que espera adelantarás en el ejercicio de las armas.

Mis afos. á Tranquilino, dandole gracias en nombre de Francisca pa. los bizcochos.

425 CHARLESTON, 24*th Dec.*, 1859.

I hasten to answer your letter, Rachel, Mr. Gourdin has acted like an honorable man and you are going to act like a silly woman; but you will never repent it but once and that will be all your life.

Mr. Gourdin would be exceedingly mortified if he knew all that you have said, I was absent, you know, when the interest was due and when I returned it was at a time that he could not leave his rice to be carried to the barn-yard without his personal presence; he wrote me to say that he would be down as soon as he could and as he intended and did pay at his own request, interest upon interest, I think he has done all that he or any man could have done. I remitted the money in five minutes after he paid, and this he did the moment he arrived in town.

He did not suppose nor did I suppose that you were in such
426 dreadful want for I knew that you could not have spent the money I sent you last Summer. If you have not received the money yet, is not my fault but yours. I sent to you on the 14th of the month and you would have got it sooner.

When you asked me to invest this money for you I should have remembered that on a former occasion you loaned me some and quite unexpectedly you called for it. I am sorry that I ever had anything to do with your money matters or got Mr. Gourdin into the scrape at all. I did it to

oblige you and now I have my friend abused and to see a lurking distrust to me and a want of confidence in everything South. You ought to and do know better than to suppose your property is safer at the North than at the South. Our people are more honest, less extravagant, and more virtuous; this you now, although some that were nobody's here and have
427 gone North because disappointed at home may tell you to the contrary, but I tell you, and the New York Herald says the same thing, that if civil war does come the Northern people will first cut each others throats. The South, with her productions—cotton and provisions (food)—can do much better without the North than they can do without her. The best evidence is that they don't want to separate; we do, and if it was to come to-morrow I shall take care that the bank shall have as little as possible of its money in New York; but you are determined to have all your money in New York. Be it so. It is yours, and can throw it away if you choose; but I will have nothing to do with it. You must manage your affairs yourself, and I have charity to hope that you may not be swindled out of it. Others wiser than you have been cheated in New York, for money is the god worshipped in N. Y., and I do not believe it contains 10 strictly honest &
428 concientious men. I happened to get acquainted with some of the gentlemen, and dined in their palaces, but upon inquiry found that they failed in 1857, had not paid their creditors one cent, but were now living in all this style. Such a man could not hold his head up here.

As I wrote you before, I will deliver the bond and mortgage to your order. The stocks all stand in your name, and you can do as you please with all; but for the love I bear your cousin, and I know that he is fond of you, still you are going to do the silliest thing any sane person can do. But your mind is poisoned, and it is time wasted to talk to one determined as you are to dislike her native country.

Farewell.

H. C.

I enclose a duplicate of the check sent. If you have received the other, put this in the fire.

The letter with check was directed Hayward C. Myers, Broadway P. O., N. Y.

428½ (Indorsed:) G, No. 1.—H. H. E.

429 G, No. 2.—H. H. E.

[Translation.]

Don FRANCO. MUÑOZ RAMON DE MONCADA,
*Consul of H. C. M. for the State of South Carolina:*

I certify that among the cases begun in this consulate there is one of protest for injury which has been made by the capt'n of the Spanish steamer Na. Sra. de Regla, and which is literally as follows:

I certify that in the city of Charleston, South Carolina, at eight o'clock in the morning of the fifth day of the month of November, one
[SEAL.] thousand eight hundred and sixty-one, before me, Don Francisco Muñoz Ramon de Moncada, consul of H. C. M. in the State of South Carolina, appeared Don Ignacio Antonio Reynals, captain and coast-pilot of the Spanish steamer Nuestra Senora de Regla, belonging to the Spanish concern called "Railroad from the Bay
430 Havana to Matanzas," and said that on the eleventh day of October, of the year above mentioned, he sailed from the port of

New York for that of Havana, island of Cuba, where said vessel is lawful property, and that on the following day he had to put back to the port of his departure on account of injuries of importance, the protest of which he drew up in due form before the consul of Spain in that port; that having repaired the injuries he again sailed for the place of his destination at eleven o'clock of the twenty-seventh day of the same month, following his course on the coast until, on the night of the twenty-ninth, the winds increasing and the night being very close, the sea heavy and wind furious, he had to make his course towards land, leaving his stern towards the sea, the causes mentioned not permitting him to change his course, but obliged him to run until he should strike soundings. When he found himself in five fathoms of water, and
431 continuing on in the same way in three fathoms of water, and a little afterwards aground, suffering in this condition from the whole force of the sea and wind for eight hours, when for the purpose of getting out of this critical situation he ordered the vessel to be lightened by throwing overboard a hundred and twelve bags of coal, equal to ten tons, and some three tons besides from the hold. We also emptied out the water which was below.

That from an inspection which I, together with the officers on board, made as well of the vessel as of her machinery, it appeared, as was observed by the first engineer, that there was an injury, which existed in the larboard excentric, the arm having twisted and the shaft broken, but, according to the report of said engineer, the vessel might continue her course along the coast until able to reach the nearest port, it being agreed in a board of officers that this port was Charleston, for
432 which purpose I took on board a coast pilot to conduct us to said place. That, being in this position, a heavy sea struck us and threw us into four fathoms of water; availing myself of this movement, I let go the larboard anchor, examining all the while if the vessel made water, and seeing there was none, we held ourselves by the anchor until daybreak of the following day, the thirtieth of October, when examining the place where we were, it resulted that we were two miles within the bar of the port of Ocracoke.

On the same day and place a boat came to us at about eight o'clock in the morning, with two pilots, seeing us, as they stated, with the flag of distress and in a strange place for vessels to anchor in. Said pilots conducted us through the channel on the south of said bar as the only free and safe egress, which was effected at twelve o'clock of the same day, and availing ourselves of the high water, continuing the course along the coast until the night of the same day when the wind
433 increased, becoming stronger in the dog-watch, blowing violently from the S. E., which compelled us to put back and leave the stern to the sea, determined to run aground to save life and treasure.

Finding we were near the shore, we resolved to tack and to anchor with both anchors aided by the engine, wishing thus to save the vessel and to await for the approach of day in order to discover where we were. It proving to be to the north of the bar of the port of Georgetown, we occupied ourselves in putting right everything which had been disturbed the previous night, and at twelve o'clock of the day we proceeded to said port, but, on arriving there the pilot observed that the buoys had been removed and he could not discover the channel of entrance for which reason we determined to approach the shore on the north of said bar and to anchor in four fathoms of water.

On the same afternoon the pilot took the boat with two seamen and went in search of a pilot of said bar; I continuing to fly the

flag of distress and awaiting the result. In this state we
434 passed the night until daybreak of the following day, when between seven and eight o'clock in the morning we saw a steam-vessel approaching us. Boarding us they asked me for the vessel's papers, which having examined they told us to weigh anchor as they were not going to tow us until inside of the port, which was done, the vessel anchoring in front of a battery, and the order being given us to communicate with nobody.

Afterwards, as captain of the vessel the order was given to me that I should be ready at five o'clock in the afternoon, with the vessel's papers to present myself to the consul of my nation, taking me to Charleston, where I arrived on the fifth day of November at six o'clock in the morning, presenting myself to the general in chief of the troops of this garrison, into whose presence they conducted me and afterwards to the consulate of Spain.

Thus affirmed and said the above mentioned captain, declaring all that he had stated to be the truth.

435 Charleston, the fifth of November, one thousand, eight hundred and sixty-one.

FRANCO. MUÑOZ RN. DE MONCADA.
(Here is a flourish.)
IGNACIO ANTO. REYNOLS.
(Here is a flourish.)

*Decree.*

On the protest being presented within the legal time, let all which may take place in law be allowed; let the rectification of what has been set forth by the captain be made, and let the declaration of the crew be also caused to appear.

Charleston, date as above.

FRANCO. MUÑOZ RN. DE MONCADA.
(Here is a flourish.)

*Procedure.*

In the city of Charleston, on the fifth day of November, one thousand eight hundred and sixty-one, appeared in this consulate, according to what it provided in the foregoing procedure, Don Ignacio Antº Reynals, captain and co'st pilot of the Spanish merchant steamer
436 Nuestra Senora de Regla, to whom the proceeding protest being read, and placed to it his signature, he asserts under the formality of an oath with the sign of the cross, that all which is narrated is true, and that the signature subscribed is his, and in testimony whereof I sign the present procedure for the uses which may be proper.

Charleston, date as back.

FRANCO. MUÑOZ RN. DE MONCADA.
(Here is a flourish.)

*Decree.*

The injury to his engine being stated by the captain, let means be furnished to him in order that without loss of time he may repair it, and again take command of his vessel.

Charleston, sixth of November, one thousand eight hundred and sixty-one.

FRANCO. MUÑOZ RN. DE MONCADA.
(Here is a flourish.)

437 *Procedure.*

The protest being presented by the captain, and in view of the vessel

being out of this port, it becomes necessary, in order to avoid expenses of removal and abandonment of the vessel by the crew, that he should be transferred to the port of Georgetown, and be established on board the Spanish steamer Nuestra Senora de Regla.

Charleston, date as back.

FRANCO. MUÑOZ RN. DE MONCADA.

(Here is a flourish.)

*Procedure.*

In the city of Georgetown, on the fifteenth day of the month of November, one thousand eight hundred and sixty-one, I being established on board the Spanish steamer Nuestra Senora de Regla, at fifteen minutes past twelve o'clock in the day, I assembled the officers and crew of the said vessel, to whom the foregoing protest was read, first in
438 the Spanish language, and then in the English language, on account of the crew being composed, first, of subjects of H. C. M., and second, of citizens of the federal States of North America, who, on being informed of what was in it, said it was true in all that it stated, and that they had nothing to add to nor to take from it, acceding each one for himself, and all in general, to the measures taken by the captain leading to the preservation of the lives, treasures, and interests of the company. All of which they say under the sign of the cross, those signing who know how to do so, and those who do not making the sign of the cross.

FRANCO. MUÑOZ RN. DE MONCADA.
(Here is a flourish.)
JOSÉ MANL. GORI.
(Here is a cross.)
IGNACIO LOPETEGUI.
(Here is a flourish.)
BERNARDO CANEL.
(Here is a flourish.)
439 ANGEL GONZALEZ, *passenger.*
(Here is a flourish.)
JOSÉ MARTINEZ, *passenger.*
(Here is a flourish.)
MIGNEL NAVARRO.
(Here is a cross.)
MARCELINO FLORES.
(Here is a cross.)
JUAN MARTIN.
(Here is a cross.)
JOSÉ LUAVEZ.
(Here is a flourish.)
J. P. SUNDBERG, *Sailing-Master.*
JOHN W. GREENE, 1*st Engineer.*
JOHN P. HAWKINS, 2*d* "
JOHN S. SIMMONS.
GEORGE W. KEARNEY.
GORDON SANNOS.
PETER W. COON.
FAND McGIM.
JAMES McKENNY.
AP. McKAY.
THOS. JANNETT.
(Here is a flourish.)

440 *Decree.*

Let a certified copy of this case of protest be delivered to the captain of the Spanish steamer Nuestra Senora de Regla, in order that it may serve him as proof in the reclamations which he may have to set about making in behalf of the interests of the concern which he represents.

Charleston, sixteenth of November, one thousand eight hundred and sixty-one.

FRANCO. MUÑOZ RN. DE MONCADA.
(Here is a flourish.)

*Procedure.*

A certified copy of this case of protest having been delivered, the delivery was made by his honor to Captain Don Ignacio Anto. Reynals, taking from him a receipt, which is annexed to the papers in this case.

Charleston, date as back.

MONCADA.
(Here is a flourish.)

441 I certify that these documents are copies of the originals in the case of protest. In testimony whereof, and in order that it may serve him as a protection, I give him this certificate, which I sign and seal, at Charleston, on the sixteenth of November, in the year one thousand eight hundred and sixty-one.

FRANCO. MUÑOZ RN. DE MONCADA,
*Consul of Spain.*

442 [Translation.]

Don FRANCO. MUÑOZ RAM'N DE MONCADA,
*Consul of Spain for South Carolina:*

I certify that the signature of William B. Herriot, by whom the annexed receipts are authenticated, is true, and by me known as that which he is in the habit of placing to all his writings, as also the seal stamped on them.

In testimony whereof I sign and seal this certificate, in Charleston, on the 13th day of November, 1861.

[SEAL.] FCO. MUÑOZ RN. DE MONCADA.

[The rest of the papers are in English, except the fifth and seventh, the translations of which follow.—TRANSLATOR.]

443 [Translation.]

(Duplicate.)

*Account of disbursements made on account of the Spanish steamer Na. Sa. de Regla, after her last departure from New York, and entry of arrival in the port of Georgetown, to wit:*

| | | | |
|---|---|---|---|
| October | 31. | For cash to pilot for sailing from Ocracoke | $20 |
| Nov. | 4. | 1st journey from Georgetown to Charleston | 5 |
| " | 6. | Return to Georgetown | 5 |
| " | " | Tavern expenses there | 1 |
| " | 7. | 2nd journey to Charleston | 5 |

| | | | | |
|---|---|---|---|---|
| " | " | Return to Georgetown | | 5 |
| | | Small steamer of Georgetown to where steamer is, 20 m. d | | 5 |
| | | Tavern at Charleston | $22 50 | |
| | | Vehicles | $ 2 00 | 24 50 |
| | | | | $70 50 |

Charleston, 13 November, 1861.

IGNACIO A'O REYNALS.

CONSULATE OF SPAIN, *Charleston.*

Examined & approved.
[SEAL.] F'CO MUÑOZ R. DE MONCADA.

444 [Translation.]

*Bill of expense for the repair of injuries experienced by the Spanish steamer No. Sa. de Regla, arrived in the port of Georgetown, according to the bills for injuries:*

| | | |
|---|---|---|
| For one shaft to the excentric | $50 | |
| Bill of notary public, for attest. acc'ts | 3 | |
| Bill of expenses presented by captain | 70 | 50 |
| Cash to the capt., for provisions, water, and other expenses incurred in Georgetown | 80 | |
| Consular fees and perquisites | 120 | |
| | $323 | 50 |
| Com'n, 5 p'r c't | 16 | 15 |
| | $339 | 65 |

E. E.
Charleston, 13 Nov., 1861.

HALL & CO.

CONSULATE OF SPAIN, *Charleston.*

Examined & approved.
[SEAL.] F'CO MUÑOZ R. DE MONCADA.

(Indorsed:) Translation of G., No. 2.

445 I, Francisco Muñoz Ramon de Moncada, consul of Spain for the State of South Carolina, duly acknowledged by the President of the United States, in Washington, certify:

That the Spanish steamer ferryboat Nuestra Senora de Regla, Cap'n Ygnacio Ant'o Reynals, left the port of New York for Havana on the 11th October, and was obliged to return to New York for repairs, having received damage during a gale; that the captain after repairing the steamer put to sea again prosecuting his voyage to Havana until the 29th October, when stress of weather obliged him to seek refuge in Georgetown, S. C., the engine having been damaged during the gale.

I also certify that the said steamer has not during her stay in Georgetown been engaged in commercial pursuit, nor loaded or unloaded, and that she leaves with the same number of men with which she entered, excepting only that, for the fireman Jeodora Meneses has been substituted Emilio Puig, a Spanish subject and a native of Spain, which
446 substitution I have authorized, according to the captain's desire,

it being considered by him as necessary for the safe navigation of the steamer.

In view of the above, and in the name of my government and of the interest of its subjects, I request that the said steamer may be allowed to prosecute her voyage freely and without impediments from any armed vessel by which she may be boarded, and also solicit for the said vessel such aid and assistance as may be required, and which is always granted to a vessel engaged in lawful pursuit.

Given in Charleston, S. C., this 13th day of November, in the year of our Lord 1861.

The Spanish consul:

[SEAL.] F'CO MUNOZ R. DE MONCADA.

(Indorsed:) G, No. 3.—H. H. E.

447 G, No. 4.—H. H. E.

Don Francisco Muñoz Ramon de Moncada, consul de su Majestad Catolica en Charleston, estado de la Carolina del Sur uno de los Confdos. del Norte de America:

---

No. 31.

FILIACION.

Edad, 24 años; estatura, regular; pelo, castaño; ohos, negros; barba, poblada; cara, oval; color, sano; señas particulares. Firma del portador.

EMILIO PING.

Concedo libre y seguro passaporte á D. Emilio Ping y Moler, natural de Cataluña profession del como. estado Soltero para que pase á la Habana, Isla de Cuba. Dado en Charleston á trece de Noviembre de mil ochocientos sesenta y uno.

[L. S.] FRA. MUÑOZ R. DE MONCADA.

448 G, 5.—H. H. E.

*General clearance.*

District & port of New York.

These are to certify to whom it may concern, that Y. A. Reynals, master or commander of the S. S. Nuestra Señora de Regla, burthen 339½ tons or thereabouts, mounted with guns, navigated with 21 men, foreign built, bound for Havana, on board merchandise and stores, both entered and cleared his vessel according to law.

Given under our hands and seals at the custom-house of New York, this 9th day of Oct., one thousand eight hundred & sixty-one, and in the 86th year of the Independence of the United States of America.

[L. S.] G. W. PARKER,
*D. Collector.*

J. N. DICKINSON, [L. S.]
*D. Naval Officer.*

(Endorsed:)

Notified of a blockade of all ports south of Cape Henry by
449 U. S. steamer underwritten.

JAMES LEWIS,
*M. Mate.*

Boarded by the U. S. st'r Susquehanna, Nov. 25, 1861, and allowed to proceed. The captain says he is in distress, being short of coal, water, & provisions.

A. W. WHAVER,
*Lt. U. S. Navy.*

450 G, No. 6.—H. H. E.

Don Francisco Stoughton, Comendador de la Real Orden Americana de Isabel la Catolica, y consul de S. M. la Reina de España para los Estados de Nueva York, New Jersey y Connecticut, en los Unidos de America.

Certifico que esta cindad de Nueva York su puerto y provincia se hallan enteramente libres del colera morbo, fiebre amarilla y de todo contajio, y que se goza de la mas perfecta salud publica.

Asi mismo que el vapor Español, nombrado Nuestra Señora de Regla, su capitan Reynolds, se dirge á la Habana llevando veintiemo hombres de tripulacion, incloso el capitan y pasajero.

Y para que conste la firma y sello en Nueva York á diez de Octubre de mil ochocientos sesenta y uno.

P. E. S. C.
El vice-cónsul de S. M.
[L. S.] ANTO. M. DE ZEA.

451 G, 7.—H. H. E.

*Certificado de Sanidad. Numo 5.*

El infrascrito, Consul de España en Charleston, certifico que esta plaza, puerto y sus immediaciones se hallan libres de toda enfermedad epidemica, y se preservan de cualquiera otro punto insalubre; y que las firmas del Administrador y contador de esta aduana por quieres va autorizada la Patente de Sanidad anexa, son verdaderas y tienen la autoridad que expresan.

Y para que comste expide el presente en Charleston, firmado de su puño y con el sello de esta consulado el dia 15 de Noviembre, de 1861.

El consul de S. M.
FRO. MUÑOZ R. DE MONCADA.

452 G, No. 8.—H. H. E.

Don Francisco Stoughton, Comendador de la Real orden de Carlos 3º y de la Americana de Isabel la Catolica, Comisario Ordenador honorario de Mariana y Consul de España para el Estado de Nueva York en los Unidos de America.

Por cuanto que los Señores Don Iguacio A. Reynals y Dn. Peter V. King y Ca. de este comerico apoderados del ferro carril de la Bahia de la Habana á Matanzas, han presentado un memorial á este Consulado, solicitando permiso para el abanderamiento del vapor nombrado "Nuestra Señora de Regla," de porte de 450 toneladas, bajo la inspeccion de dicho Reynals, que con ese objecto vino de la Habana en Noviembre ultimo, y que dicho vapor ha sido pagado con fondos remitidos por la empresa del F. C. de la Ba. de la Ha. á M. á los ya mencionados P. V. K. y Ca. con la intervencion del Banco del Comercio de la Habana y que

los dueños de dicho buque son subditos Españoles residentes en la Habana, intentando usarlo en el trafico de la Habana á Regla en el
453 servicio de dicho ferro cassil, supliendo la falta del vapor General Tacon que fué incendiado, y hallandose ya listo el vapor para salir á la mas bajo el mando del referido Capitan Don Ignacio Reynals y tripulado con el numera requisito de navegantes españoles y siendo de la mayor necesidad que el citado vapor aproveche el presente mes de Octubre para evitar los peligros de una estacion mas avanzada por lo que no hay tiempo para obtener el permiso necesario y la proteccion contra corsarios en las circunstancias criticas y excepcionales del pais.

Por tanto y teniendo en consideracion las ventajas que resultan con la adquisicion de un vapor de esta clase, he concedido y por la presente concedo licencia y permiso al referido Dn. Ignacio Reynals para que en el citado buque pueda enarbolar y navegar con la Bandera Española con la espresa condicion de hacer su denota directamente de este puerto al de la Habana al mando del Capitan Dn. Ignacio Reynals como piloto y practico y Dn. Eurique West Piloto de denota por falta de un
454 nautico español, para que á su llegada presentando este permiso y demas documentos á la autoridad que corresponda proceda á su correspondiente matricula.

ROL.

| Clases. | Nombres. | Domicilios. |
|---|---|---|
| Capitan y Piloto | Dn. Ignacio Reynals | España. |
| Piloto de derrota | John West | Estados Unidos. |
| Contramaestre | José Gorri | España. |
| Cocinero | Juan Diaz | Malaga. |
| Dispensero | Ignacio Lopoteony | España. |
| Marinero | Juan Martin | Id. |
| Id | Bernardo Canel | Id. |
| Id | Miguel Navarro | Id. |
| Id | F. Simons | Amo. |
| Id | G. Young | Amo. |
| 1er Maquinista | John Green | Americano. |
| 2 lo id | James Magin | Id. |
| Ayudante de Maqra | Teodoro Meneses | España. |
| Fogonero | Charles Clark | Amo. |
| Id | J. W. Hawkins | Id. |
| Id | John Brains | Id. |
| Id | P. W. Cooms | Id. |
| Id | Alex'der McKenney | Id. |
| Id | Frank McKenney | Id. |
| Id | James Kydd | Id. |
| Id | George Kern | Id. |

455 Neuva York, 9 de Octubre de 1861.

FRANCO. STOUGHTON,
*Consul de España.*

Como capitan que soy del referido vapor recibi del Señor Consul de S. M. C. en este puerto el presente rol y me obligo á dar cumplimiento á lo que en el seproviene.

Neuva York, 9 de Octubre de 1861.

IGNACIO AO. REYNALS.

Entró de arribada forzosa el 12 del corriente con averias de consideracion sigue su viaje para la Habana desembarcando al piloto de derrota, John West, el cocinero Juan Diaz y embarcando como piloto de derrota á Mr. John P. Sundberg, Merced Florencia y José Suarez.

Nueva York, 25 de Octubre 1861.

El consul de España.

FRANCO. STOUGHTON.

456 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court rooms in the city of New York, on Saturday, the twentieth day of June, in the year of our Lord one thousand eight hundred and sixty-three.

Present, the honorable Samuel R. Betts, dist. judge.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c. } In prize. 17, 187.

This cause having been heard on the libel, the testimony taken in preparatorio, and the papers found on board the captured steamer, and due deliberation having been had thereon, and it appearing to the court that the evidence herein discloses no sufficient ground for a decree of condemnation of the captured property. Now, on motion of Mess's. Bube, Dean, & Donohue, proctors for the claimants herein,
457 it is ordered, adjudged, and decreed that the steamer Nuestra Senora de Regla, her tackle, &c., be restored to the claimants.

And it is further ordered that the question of costs of this adjudication and of damages resulting from the capture be reserved for future hearing and determination.

SAMUEL R. BETTS.

457½ (Indorsed:) 4. In prize. 17, 187. U. S. district court for the southern district of New York. The United States vs. The steamer Nuestra Senora de Regla, her tackle, &c. E. Delafield Smith, U. S. dist. attorney. Final. Decree of restitution of vessel; question of costs & damages reserved. Filed, the 20th June, 1863.

458 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court rooms, in the city of New York, on Thursday, the fifteenth day of October, in the year of our Lord one thousand eight hundred & sixty-three.

Present, the honorable Samuel R. Betts, district judge.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, &c.

It having been mutually agreed between the counsel for the respective parties that the said vessel, in the above decision, was immediately taken into the possession and use of the United States under a charter-party, and delivered them thereunder, and so remained without molestation from the claimants. On motion of the counsel for the vessel and with the assent of the United States attorney, it is ordered by the court that further proceedings and litigation be stayed in the above
459 cause, to the end that all questions of damages reserved in the decision of the court in the term of June last, may be considered and adjusted by the Government of the United States in the application, and with the concurrence of the government of Spain.

SAMUEL R. BETTS.

Approved.

E. Delafield Smith, U. S. dist. atty.; Bube, Dean & Donohue, f'r cl'm't.

459½ (Indorsed:) 5. 17–187. United States district court for the southern district of New York. The United States vs. The Steamer Nuestra Senora de Regla, &c. Order: Stayed proceedings. Bube, Dean & Donohue, proctors for cl'm't. Filed, October 15th, 1863.

460 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court rooms, in the city of New York, on Thursday the second day of June, in the year of our Lord one thousand eight hundred and seventy.

Present, the honorable Samuel Blatchford, district judge.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her engine, tackle, &c. } In prize. 17, 187.

On motion of William M. Evarts, esq., of counsel for the claimants of the steamer Nuestra Senora de Regla, &c., the U. S. district attorney for this district being present and assenting thereto, ordered that it be referred to George F. Betts, esq., one of the commissioners of this court, to ascertain what damages, and the amount thereof, the claimants, owners of the steamer Nuestra Senora de Regla, her engines, tackle, &c., have sustained by reason of the seizure and detention of the said steamer, and report thereon to this court with all convenient speed.

SAMUEL BLATCHFORD.

(Indorsed:) 6. In prize. 17, 187. United States district court for the southern district of New York. The United States vs. The steamer Nuestra Senora de Regla, her engine, tackle, &c. Order referred to Geo. F. Betts, U. S. com'r, to ascertain damages, &c. J. R. Filed June 2nd, 1870.

461 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court rooms in the city of New York, on Wednesday, the 20th day of January, in the year of our Lord one thousand eight hundred and sixty-nine.

Present, the honorable Samuel Blatchford, district judge.

THE UNITED STATES
*vs.*
THE STEAM FERRY BOAT NUESTRA SENORA de Regla, her tackle, &c. } In prize.

On motion of Mr. Donohue, one of the proctors of the claimants in the above-entitled action, it is ordered that the original charter-party, attached to the depositions in preparatorio in this cause, be withdrawn from the files, & that a true copy, certified by the clerk of this court, be substituded in lieu thereof.

SAMUEL BLATCHFORD.

(Indorsed:) Vol. 17, No. 187. United States district court for the southern district of New York. In prize. The United States vs. The Steam Ferry Boat Nuestra Senora de Regla. Order to withdraw

charter-party from files & substitute cert'd copy. C. Donohue, proctor for cl't. Filed the 20th January, 1869.

462 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms in the city of New York, on Friday, the 22nd day of August, in the year of our Lord one thousand eight hundred and sixty-two.

Present, the Hon. Samuel R. Betts, district judge.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, tackle, &c.

On reading and filing a notice of motion and a verified copy of a letter from the Secretary of the Navy, stating that the Navy Department desires to obtain possession of the steamer Nuestra Senora de Regla; and on hearing Mr. E. Delafield Smith, United States district attorney, in support of the motion, and Mr. W. R. Beebe, proctor for the claimants, in opposition thereto, it is hereby ordered that the said steamer Nuestra Senora de Regla be appraised by Benjamin F. Delano, United States naval constructor, and Benjamin F. Garvin, chief engineer, both
463 now stationed at the navy yard, New York, and John Inglis; that such appraisement be filed with all convenient speed with the clerk of this court; that thereafter said steamer be delivered to the Navy Department for the use of the government, upon filing in court a certificate of the assistant treasurer of the United States in New York that the amount of the appraisement has been deposited in the United States Treasury, subject to the order and disposal of the court on final decree in the case.

SAMUEL R. BETTS.

463½ (Indorsed:) In prize. Vol. 17, No. 187. United States district court for the southern district of New York. The United States vs. The steamer Nuestra Senora de Regla, tackle, &c. E. Delafield Smith, United States attorney. Order of appraisement and delivery of vessel to the government. Filed the twenty-second day of August, 1862.

464 U. S. district court.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, tackle, &c.

GENTLEMEN: Please take notice that on the letter of the Navy Department, dated August 11th. 1862, I shall move, before his honor William D. Shipman, judge, &c., at the U. S. dist. court-room, No. 41 Chambers st., on Friday, the 15th day of August, instant, or as soon thereafter as I can be heard, for an order that the above-named steamer Nuestra Senora de Regla be appraised by Benjamin F. Delano, U. S. naval constructor, and Garvin, chief engineer, both stationed at the navy yard, New York, and H. H. Elliott, U. S. prize commissioner for this district. That such appraisement be filed with all convenient speed in the office of the clerk of this court. That thereafter said steamer be delivered to

the Navy Department for the use of the government, upon filing in court a certificate of the assistant treasurer of the United States at New York that the amount of the appraisement has been deposited in
465 the United States Treasury, subject to the order and disposal of the court on final decree in the case.

New York, August 14th, 1862.

Yours, &c.,

E. DELAFIELD SMITH,
*U. S. Dist. Atty.*

To Messrs. BEEBE, DEAN & DONOHUE,
*Proctors for Claimants.*

465½ (Indorsed:) In prize. 17, 187. U. S. district court. The United States vs. The steamer Nuestra Senora de Regla, tackle, &c. Notice of motion for order to appraise & deliver vessel to United States. E. Delafield Smith, U. S. dist. atty. Postponed to Aug. 19, '62. Filed 22nd Aug., 1862.

466 NAVY DEPARTMENT,
*August 11th*, 1862.

SIR: The department will take the steamer Nuestra Senora de Regla at the appraisement of twenty-five thousand dollars.

It desires early information, if practicable, as to the appraisement in the case of the Annie, the Stettin, and the Memphis.

I am, resp'y, your ob't s'v't,

GIDEON WELLES.

E. DELAFIELD SMITH, Esq.,
*U. S. Attorney, New York.*

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Arthur S. Buell, a clerk in the office of the U. S. attorney at New York, being duly sworn, says that the above is a true copy of a letter received from the Navy Department, and now on file at this office.

ARTHUR S. BUELL.

Sworn to before me this 20th day of August, 1862.

JOHN A. OSBORN,
*U. S. Comr.*

(Indorsed:) In prize. U. S. district court. 17, 187. The United States vs. The steamer Nuestra Senora de Regla, tackle, &c. Verified copy letter of the Secretary of the Navy. E. Delafield Smith, U. S. dist. atty. Filed 22d Aug., 1862.

467 United States district court, southern district of New York. In admiralty.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, tackle, &c.

We, the undersigned, having been appointed appraisers to appraise the value of the steamer Nuestro Senora de Regla, her tackle, &c., do

solemnly swear that we will faithfully appraise the same to the best of our skill and ability.

JOHN ENGLIS.
B. F. DELANO.
BENJ. F. GARVIN,
*Chief Eng'r U. S. Navy.*

Subscribed and sworn to this 23d day of August, 1862, before me.
JOHN A. OSBORN,
*U. S. Comr.*

(Indorsed:) Vol. 17, page 187. United States dist. court, southern dist. of New York. In admiralty. The United States vs. The Steamer Nuestra Senora de Regla, tackle, &c. Appraisers' oath. Filed Aug. 23d, 1862.

468 United States district court for the southern district of New York

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, &c., &c.

In the above case, in obedience to an order of this court under date of the 22d inst., the subscribers were appointed to examine and appraise the above-named vessel for the use of the government; and in compliance with the said order, the subscribers have examined the said vessel, and do appraise her as worth, for the use of the Navy Department, the sum of twenty-eight thousand dollars.

Navy Yard, New York, August 25th, 1862.

B. F. DELANO, *N. C.*
BENJ. F. GARVIN,
*Chief Eng'r U. S. Navy.*

(Indorsed:) In prize 17, 187. U. S. dist. court. The United States vs. Steamer Nuestra Senora de Regla. Appraisement of B. F. Delano & Benj. F. Garvin. Filed August 29, 1862.

469 United States district court, southern district of New York. In admiralty.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, &c.
17, 187.

I, the undersigned, having been duly appointed and sworn as appraiser to appraise the value of the above steamer & engine, &c., do report that I have appraised the said steamer & engine, &c., and do find that *that* said steamer, engine, &c., is worth the sum of thirty thousand dollars.

Dated New York, Oct. 18th, 1862.

All which is respectfully submitted.

JOHN ENGLIS.

(Indorsed:) In prize. Vol. 17, page 187. United States district court, southern dist. of New York. The United States vs. The Steamer Nuestra Senora de Regla. Appraiser's report. J. Englis. Filed Oct. 18th, 1862.

470 United States district court, southern district of New York.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c. } In prize.

I, George F. Betts, one of the commissioners of this court, to whom, by an order of this court made and entered on the 2nd day of June, 1870, in the above-entitled cause, it was referred to ascertain what damages and the amount thereof the claimants of the steamer Nuestra Senora de Regla, her engines, tackle, &c., have sustained by the seizure and detention of the said steamer, do certify that I have been attended by the counsel for the United States and for the claimants, and have taken and examined the testimony offered on behalf of the respective parties, and do find and report as follows:

That the steamer Nuestra Senora de Regla, as above named, was seized by the officers of the United States as prize of war on the
471 29th day of November, 1861, and thereafter, on the 16th day of December, 1861, was, by a charter, taken into the use of the United States, and so remained until about the 9th day of June, 1862, on which day she was libelled herein; that the said vessel remained in custody of the marshal until about the 22nd day of August, 1862, when the United States took possession of the vessel and continued to use her until the 20th day of June, 1863, when a decree was made and entered restoring her to the owners, reserving the question of costs and damages, and thereafter the order of reference first referred to was entered.

I further find that the vessel was detained in the service of the United States and in possession of the marshal from the 29th day of November, 1861, up to and including the 20th day of June, 1863, being five hundred and sixty-eight (568) days, and that the fair value for the use of the vessel during that time, of which the claimants were deprived, is, with interest at the rate of six per cent. per annum to the 10th day of May, 1871, the date of this report, the sum of one hundred and
472 sixty-seven thousand three hundred and seventy dollars and sixty-six $\frac{2}{3}$ cents ($167,370.66\frac{2}{3}$); that the claimants are entitled to recover for the expenses and services of their agent in remaining with and attendance to said vessel the sum of five thousand six hundred and eighty dollars ($5,680.00); for counsel fee in defending said proceedings, the sum of five thousand dollars ($5,000.00); for the value of the vessel when she should have been restored, with interest at the rate of six per cent. per annum, the sum of thirty-six thousand eight hundred and thirty-three dollars and thirty-three $\frac{1}{3}$ cents ($36,833.33\frac{1}{3}$); making, in all, the sum of two hundred and fourteen thousand eight hundred and eighty four dollars ($214,884.00); which amount, under the order of reference, I am of opinion, and report, the claimants are entitled to have judgment for.

All of which is respectfully submitted.

Dated May 10th, 1871.

GEORGE F. BETTS,
*U. S. Commissioner.*

(Indorsed:) In prize. 17, 187. U. S. district court, southern dist. of New York. The United States vs. The Steamer Nuestra Senora de Regla, her tackle, engines, &c. Commissioner's report. Beebe, Dean & Donohue, for cl'm'ts. Filed May 19th, 1871. Ent'd order.

473 United States district court, southern district of New York.

THE UNITED STATES, &c.,
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c. } In prize.

The libellant excepts to the commissioner's report made under the order of the court entered in this cause in June, 1870—

First. Because the said commissioner finds that the said steamer above named was seized as prize of war by the officers of the United States on the 29th day of November, 1861.

Second. Because the said commissioner, in his report, allows damages for the detention in these proceedings of the said steamer for a period prior to the libelling of said steamer, and while, as appears from the evidence herein, the said steamer was employed under a charter to the United States.

Third. Because the said commissioner, in his said report, al-
474 lows damages for the detention of said steamer at the rate of one hundred dollars per diem, which the libellant claims to be excessive and far beyond the value of the services of said steamer to her owners.

Fourth. Because the said commissioner, notwithstanding the fact that a decree of restitution was made herein, and the said vessel ordered to be restored to her owners, and that there is no evidence to show that the said vessel was lost or destroyed during the time of her detention under the libel herein, has allowed to the claimants, over and above the amount allowed as damages for such detention, the full value of said vessel as additional damages.

Fifth. Because the amount so allowed as last aforesaid for the value of said vessel is largely in excess of the amount of such value, as proved by the evidence herein.

NOAH DAVIS,
*U. S. Attorney, for Libellant.*

474½ (Indorsed:) U. S. district court. The United States vs. Steamer Nuestra Senora de Regla, her tackle, &c. Libellant's exceptions. In prize. 17, 187. 203. Noah Davis, U. S. att'y. (11.) Filed May 23rd, 1871.

475 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms, in the city of New York, on Saturday, the twenty-eighth day of October, in the year of our Lord one thousand eight hundred & seventy-one.

Present, the honorable Samuel Blatchford, dis't judge.

THE STEAMER NUESTRA SENORA DE DEGLA, her tackle, &c.,
*ads.*
THE UNITED STATES OF AMERICA, LIBELlants & capters. } In prize. 17, 187.

The report of George F. Betts, esq., dated May 10th, 1871, the commissioner to whom, by an order of this court, made and entered on the 2nd day of June, 1870, in the above cause, it was referred to ascertain

what damages and the amount thereof the claimants of the steamer Nuestra Senora de Regla, her engines, tackle, &c., have sustained by the seizure and detention of the said steamer, having been filed on the 19th day of May, 1871, by which it is reported that the steamer
476 Nuestra Senora de Regla was seized by the officers of the United States as prize of war on the 29th day of November, 1861; and thereafter, on the 16th day of December, 1861, was by a charter taken into the use of the United States, and so remained until about the 9th day of June, 1862, on which day she was libeled herein; that the said vessel remained in custody of the marshal until about the 22d day of August, 1862, when the United States took possession of the vessel, and continued to use her until the 20th day of June, 1863, when a decree was made and entered restoring her to the owners, reserving the question of costs and damages, and thereafter the order of reference, first referred to, was entered; and that the vessel was detained in the service of the United States and in possession of the marshal from the 29th day of November, 1861, up to and including the 20th day of June, 1863, being five hundred and sixty-eight (568) days, and that the fair value for the use of the vessel during that time of which the claimants were deprived, is, with interest at the rate of six per cent. per annum to the 10th day of May, 1871, the date of said report, the sum of one hundred and sixty-seven thousand three hundred and seventy dollars and sixty-six $\frac{2}{3}$ cents ($167,370.66\frac{2}{3}$); that the claimants are enti-
477 tled to recover for the expenses and services of their agent in remaining with and attendance to said vessel the sum of five thousand six hundred and eighty dollars ($5,680.00); for counsel fee in defending said proceedings the sum of five thousand dollars ($5,000.00); for the value of the vessel when she should have been restored, with interest at the rate of six per cent. per annum, the sum of thirty-six thousand eight hundred and thirty-three dollars and thirty-three $\frac{1}{3}$ cents ($36,833.33\frac{1}{3}$), making in all the sum of two hundred and fourteen thousand eight hundred and eighty-four dollars ($214,884.00), which amount, under the order of reference, the commissioner is of opinion and reports the claimants are entitled to have judgement for, and exceptions having been filed by the libellants to the said report, and Henry E. Davies, jun'r, esq., appearing and having been heard on the part of the United States, libellants, in support of said exceptions, and William M. Evarts and Charles Donohue, esq'res, appearing and having been heard in opposition thereto, it is now ordered, adjudged, and decreed that said exceptions be overruled, and said report be
478 thereby is in all things confirmed, and that final judgement be, and the same is hereby, entered in the above cause in favor of the claimants of said vessel against the libellants and captors for the sum of two hundred and fourteen thousand eight hundred and eighty-four dollars ($214,884.00), being the amount so reported, together with interest thereon from the date of said report to the date of this decree, being the sum of six thousand and eighty-six dollars and fifty-four cents ($6,086.54), in the aggregate amounting to two hundred & twenty thousand nine hundred & seventy $\frac{54}{100}$ dollars ($220,970.54), on the ground that the vessel was not lawful prize of war.

SAMUEL BLATCHFORD.

478½ (Indorsed:) In prize A 80 & 81. 17,187. U. S. district court, southern dist. of New York. The steamer Nuestra Senora de Regla & tackle, &c., ads. The United States of America, libellants & captors. Final judgement $220,970.54 for claimants. Beebe, Dean & Donohue, per cl'rk. Filed Oct. 28th, 1871.

479 Supreme Court of the United States.

THE UNITED STATES, APPELLANTS & LIBELLANTS,
*ag'st*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c.

To the Supreme Court of the United States:

The appeal of the above-named appellants respectfully shows that on or about the 9th day of June, 1862, the above-named libellants, The United States, exhibited their libel in the district court of the United States for the southern district of New York against the steamer Nuestra Senora de Regla, her tackle, &c., claiming the forfeiture of said vessel as prize of war to the said The United States.

That process having been issued out of the said district court, and the said vessel having been seized under such process, the said defendant filed an answer to the said libel, and that such proceedings were thereupon had that a decree of the said district court was made whereby the said vessel was released, and it was referred to
480 George F. Betts, clerk of the said court, to ascertain and report the amount of damages sustained by the owners of the said vessel by reason of her seizure as prize and detention to await the proceedings of the said court; and the said clerk did, on the 19th of May, 1871, file his report, wherein he reported that there was due to the owners of the said vessel, as damages as aforesaid sustained by them, the sum of $220,970 $\frac{54}{100}$ dollars, which report, on the 28th day of October, 1871, was confirmed by the said court by the final decree thereof made and entered on that day.

And the said appellants are advised and insist that the said decree is erroneous, inasmuch as the said owners of the vessel are not entitled to the amount awarded them by the said final decree; but that the said amount is largely in excess of the total value of the said vessel, and that the said clerk, in making his said report, allowed damages to the owners of the said vessel for amounts claimed by them to be due from the United States under an alleged or pretended charter party, and that the said referee had before him no testimony whatever of the actual value of the services of the said vessel to her owners in
481 her usual and customary employment, and that the said referee allowed to the owners, among other things, the entire value of the said vessel, notwithstanding that by the decree of the said court she was released from custody upon the termination of the said prize proceedings, and ordered to be restored to her owners.

And these appellants for these and other reasons appeal from the whole of the said decree in favor of the said The Steamer Nuestra Senora de Regla, her tackle, &c., to the next Supreme Court, to be held in the city of Washington, and on the said appeal they intend only to have the said cause heard anew on the same pleadings and the same proofs, and they pray that the said decree and every part thereof may be reversed with costs, or such other decree made thereupon as to the said Supreme Court seem just, and that the said The Steamer Nuestra Senora de Regla, her tackle, &c., may be condemned to pay to these appellants their costs and damages in the premises.

And they pray the record and proceedings may be returned to
482 the said Supreme Court, and that the said decree may be reversed, or such other decree thereon be made as to the said Su-

preme Court shall seem just, and that the appel'ee may be condemned to the appellants their costs and damages in the premises.

NOAH DAVIS,
*U. S. Attorney.*

(Indorsed:) U. S. Supreme Court. In prize 17, 187. 211. The United States vs. The Steamer Nuestra Senora de Regla, her tackle, &c. Appeal. Noah Davis, U. S. att'y. Filed Nov. 15th, 1871.

483 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judge of the district court of the United States for the southern district of New York, greeting:

Whereas lately, in the district court of the United States for the southern district of New York, before you, in a cause between The United States of America, libellants, and The Steam Ferry-Boat Nuestra Senora de Regla, her tackle, &c., The Campagnia del Terro-Carrel de la Bahia de la Habana a Matanzas, claimant & respondent, wherein the decree of the said district court entered in said cause, on the 28th day of October, A. D. 1871, is in the following words, viz:

"It is now ordered, adjudged, and decreed that said exceptions be overruled, and said report be, and hereby is, in all things confirmed, and that final judgment be, and the same is hereby, rendered in
484 the above cause in favor of the claimants of said vessel against the libellants and captors, for the sum of two hundred and fourteen thousand eight hundred and eighty-four dollars, being the amount so reported, together with interest thereon from the date of said report to the date of this decree, being the sum of six thousand and eighty-six dollars & fifty-four cents, in the aggregate amounting to two hundred and twenty thousand nine hundred and seventy & $\frac{54}{100}$ dollars, on the ground that the said vessel was not lawful prize of war," as by the inspection of the transcript of the record of the said district court, which was brought into the Supreme Court of the United States, by virtue of an appeal, agreeably to the act of Congress in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and seventy-two, the said
485 cause came on to be heard before the said Supreme Court, on the said transcrip' of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged, & decreed by this court that the decree of the said district court in this cause be, and the same is hereby, reversed, and that this cause be, and the same is hereby, remanded to the said district court for further proceedings to be had therein, in conformity with the opinion of this court.

1st April, 1873.

You, therefore, are hereby commanded that such further proceedings be had in said cause in conformity to the opinion & decree of this court as according to right & justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

Witness the honorable Salmon P. Chase, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and seventy-two.

Costs of ; clerk, $ ; attorney, $ —$ , taxed by—

D. W. MIDDLETON,
*Clerk of the Supreme Court of the U. S.*

(Indorsed:) 17, 211. No. 360. December term, 1872. Mandate. Supreme Court United States. U. S. Nuestra, &c. Filed July 22nd, 1873.

486 U. S. district court for the southern district of New York.

THE UNITED STATES
*vs.*
THE STEAM FERRY-BOAT NUESTRA SENORA de Regla, her tackle, &c.

To Messrs. BEEBE and DONOHUE,
*Proctors for Claimants:*

SIRS: Take notice that on Tuesday, the 15th day of July instant, at 11 o'clock in the forenoon, the mandate of the Supreme Court on the appeal thereto in the above entitled cause will be presented to this court, and I shall move the court that the same be filed and made the judgment of this court; and that in pursuance thereof the decree of this court be entered, whereby the decree entered in said cause herein on the 28th day of October, A. D. 1871, mentioned in said mandate of the Supreme Court shall be declared to be reversed and shall be altogether vacated and annulled.

New York, July 9th, 1873.

GEORGE BLISS,
*U. S. Attorney.*

(Indorsed:) 17, 211. U. S. district court. The United States vs. The steamer Nuestra Senora de Regla, her tackle, &c. Notice of motion. George Bliss, U. S. Attorney.

We admit due service for copy of the within notice of motion.
New York, July 9th, '73.
Filed July 22d, 1873.

487 At a stated term of the district court of the United States of America for the southern district of New York, in the second circuit, held at the court-room in the city of New York, on Tuesday, the 22d day of July, 1873.

Present, the honorable Samuel Blatchford, district judge.

THE UNITED STATES
*vs.*
THE STEAM FERRY-BOAT NUESTRA SENORA de Regla, &c. } In prize. 17, 211.

On reading the mandate of the Supreme Court of the United States in the above entitled action, whereby the decree of this court entered the 28th day of October, 1871, is reversed and said cause is remanded to this court for further proceedings to be had therein, in conformity with the opinion of said Supreme Court, and on motion of George Bliss, esq., attorney of the United States, that the same be filed and
488 made the judgment of this court, and that in pursuance thereof a decree of this *this* court be entered, whereby the decree entered in said cause herein on the 28th day of October, A. D. 1871, mentioned in said mandate of the Supreme Court, shall be declared to be reversed, and shall be altogether vacated and annulled: It is ordered that the said mandate be filed, and that the judgement of the Supreme Court of the United States be made the judgement of this court, and that the decree entered in said cause herein on the 28th day of October, A. D. 1871, mentioned in said mandate of the Supreme Court, be reversed and

altogether vacated and annulled, and on hearing Charles Donohue for the cla'mants and respondent, on motion that this court do now proceed to assess the damages of the claimants and that it be referred to Geo. F. Betts, esq., to assess the damages of the claimants, by reason of the seizure and detention of the claimants' vessel, George Bliss, esq., att'y of the United States opposing said motion, and claiming that the court has no jurisdiction or power to award or assess such damages:

It is ordered that the objection of the United States to such
489 assessment be and the same is hereby overruled, and that it is hereby referred to Geo. F. Betts, esq., to assess the damages of the claimant of the vessel sustained by him in consequence of the seizure and detention of said vessel, and that on such reference all the proofs already taken in the cause or before said referee be used together with such other proofs as may be put in by either party.

SAMUEL BLATCHFORD.

(Indorsed:) In prize. 17, 211. U. S. district court southern dist. of N. Y. United States vs. The Steam Ferry-boat Nuestra Senora de Regla. Order. Filed July 22d, 1873.

490 United States district court for the southern district of New York.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c.

This cause having been remanded by the mandate of the Supreme Court of the United States to the district court of the United States for the southern district of New York for further proceedings to be had therein, in conformity with the opinion of said Supreme Court; and the said district court having by an order duly made in said cause, on the 22nd day of July, A. D. 1873, among other things, ordered that it be referred to Geo. F. Betts, esq., to assess the damages of the claimant of the said vessel, sustained by him in consequence of the seizure and detention of said vessel, and that as such reference all the proofs already taken in the cause or before said referee be used, together with such other proofs as may be put in by either party:

491 Now, therefore, I, Geo. F. Betts, to whom, by the said order, the said matter was referred, do hereby report to this court that I have been attended by the counsel for the claimant of said vessel, and for the United States, and have taken all the proof offered by them respectively, and that the same is hereto annexed and constitutes a part of this report.

And I do further find and report that the steamer Nuestra Senora de Regla above named was seized by the officers of the United States as prize of war, on the 29th day of November, A. D. 1861, and thereafter, on the 16th day of December, A. D. 1861, was by a charter taken into the use of the United States, and so remained until about the 9th day of June, 1862, on which day she was libelled herein; that the said vessel remained in custody of the marshal until about the 22nd day of August, 1862, when the United States took possession of the said vessel and continued to use her until the 20th day of June, A. D. 1863, when a decree was made and entered restoring her to the owners, reserv-
492 ing the question of costs and damages, but that said vessel has never been restored to her owners nor her value paid to them.

I further find and report that the said vessel was detained in the ser-

vice of the United States, and in the possession of the marshal, from the 29th day of November, A. D. 1861, up to and including the 20th day of June, A. D. 1863, being five hundred & sixty-eight (568) days; and that the fair value for the use of said vessel during that time, of which the claimants were deprived, is two hundred dollars ($200) per day, making in the total $113,600.00, and that interest on the same, at the rate of six per cent. per annum, should be allowed from said 20th day of June, 1863, to the date of this report, being 81,698.00, and that the claimants are further entitled to the value of the vessel, which I find to be 30,000.00, and interest on the same, at the rate of six per cent. per annum, from said 20th of June to the date of this report, being 21,549.00, and that the claimants are further entitled to recover for the ser-

493 vices and expenses of their agent in remaining with and attending to the affairs of said vessel, 568 days, at $10 per day, 5,680.00, making in the total the sum of two hundred and fifty-two thousand five hundred and twenty-seven dollars ($252,527.00), at which amount under the order of reference I assess the damages of the claimants of the said vessel sustained by them in consequence of the seizure and detention of said vessel.

All of which is respectfully submitted.

Dated June 10th, 1875.

GEO. F. BETTS,
*U. S. Commissioner.*

493½ (Indorsed:) U. S. district court for the sou'hern district of New York. 18, 187. The United States vs. The Steamer Nuestra Senora de Regla, her tackle, &c. Report conf'r risi 4 days. Filed March 13th, 1877.

494 U. S. district court.

THE UNITED STATES
*vs.*
THE STEAM FERRY-BOAT NUESTRA SENORA de Regla, her tackle, &c., the Campagnia del Ferro-Carrel de la Bahia de la Habana a Matanzas, claimant.

Reference under order of July 22nd, 1873.
U. S. district att'y for the United States.
W. R. Beebe, esq., for the claimant.
1874, May 16th.
Adjourned to 23rd inst., 12 o'clock m.
May 23rd.
Mr. Beebe introduces all the proofs that were taken at the previous hearing before the referee.

495 U. S. district court.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c. } In prize. 17, 187.

Special reference under order made June 2d, 1870, to ascertain what damages and amount thereof the claimants have sustained by reason of the seizure and detention of the said steamer, and to report, &c.
Mr. Donohue for claimants.
Mr. Stanley for U. S.

1870, JUNE 6TH.

Claimants put in a deposition in preparation of Ignatio A. Reynals, 3d answer, to show the date of seizure of the steamer, which was November 29th, 1861.

Paper marked E. H. O., No. 2, referred to in that deposition: Charter between the Quartermaster's Department and Captain Reynals in December, 1861, and claimants refer generally to the provisions of that charter.

Libel in the case was first filed June 9th, 1862, and vessel then attached.

Final decree of restoration, dated June 20th, 1863.

Adj'd to 8th inst., 10 a. m.

496 JUNE 8TH.

Claimants call EUGENE LENTILHON (sworn).

I reside in the city of New York. I had nothing to do with the building of this boat. After she had sailed we paid on November 6th, 1861, to parties who had charge of her building, the balance due for building her, by direction of the claimants who then owned her. The boat was built as a ferry-boat to run between Havana and Regla, which is across the bay, to connect with the Matanzas Railroad. Since that time I have represented that company in reference to that boat entirely. The company has never got back the boat, and it has never been offered to me, nor to the company, to my knowledge. Cap't Reynals ar'ived in New York about March 3d, 1862, after the capture of the boat, and remained here till about July 22d, 1863.

E. LENTILHON.

Sworn to before me this 8th day of June, 1870.

GEO. F. BETTS.

497 GILBERT G. YOUNG (sworn).

Ship broker; familiar with shipping affairs. The usual and ordinary charge of a person to look after and attend to the affairs of a vessel in distress o' trouble would be ten dollars a day and expenses paid.

GILBERT G. YOUNG.

Sworn to before me this 8th day of June, 1870.

GEO. F. BETTS,
*U. S. Com'r.*

1871, FEB'UARY 11TH.

Mr. Donohue appears for claimants; Henry E. Davis, jr., esq., ast. U. S. dis't att'y, for government.

Mr. Donohue puts in evidence the appraisal made in this action, John Englis, Oct. 18, 1862, from the files of the court.

Adj'd to 18th inst., 11 a. m.

FEBRUARY 18.

Mr. Davies, assis't dis't attorney, offers in evidence the appraisal of the Nuestra Senora de Regla, by B. F. Delano, naval constructor, and Benj. F. Garvin, chief engineer U. S. Navy, pursuant to an order of U. S. dis't court made Aug. 22, 1862, bearing date August 25th, 1862, and on file in this case. Filed August 29th, 1862.

(Objected to by Mr. Donohue.)

Evidence closed.

Adjourned to 25th instant at 11 a. m., to submit arguments at that time.

(Indorsed:) V. 17, 187 . In prize. The United States vs. The Steamer Nostra Senora de Regla, &c. Minutes on reference.

498 District court of the United States for the southern district of New York.

Deposition of IGNATIO A. REYNALS (master), a witness produced, sworn, and examined in preparatorio, on the twenty-sixth day of May, in the year eighteen hundred and sixty-two, at the office of E. H. Owen, U. S. prize commissioner, New York, on the standing interrogatories established by the district court of the United States for the southern district of New York, the said witness having been produced for the purpose of such examination by E. Delafield Smith, U. S. district attorney of said district, in behalf of the captors of a certain ship or vessel called Nuestra Senora de Regla.

To the 3rd interrogatory he says: The vessel was seized on the 29th November, 1861, in Port Royal. She was afterwards sent from Port Royal to this port. No reason or pretence was given for such seizure.

(Indorsed:) U. S. district court. The United States vs. The Steam Ferry-Boat Nuestra Senora de Regla. Deposition taken in preparatorio.

499 *Papers marked E. H. O., and referred to in the deposition of Capt. Reynals.*

Articles of agreement made this day of December, 1861, between , captain of the steam ferry-boat Nuestra Senora de Regla, for and on behalf of the owners of the said ferry-boat, of the first part, and Captain Rufus Saxton, as assistant quartermaster in the United States Army, for and on behalf of the United States of America, of the second part, witnesseth:

That the said party of the first part, for and in consideration of the payment hereinafter promised to be well and truly made by the said party of the second part, hath chartered to the United States the steam ferry-boat Neustra Senora de Regla, with all her tackle, apparel, furniture and machinery, to be used for transporting troops, stores, or other things, as the said party of the second part may direct.

And the said party of the second part doth agree, for and in consideration of the faithful performance of the above duty, *and* that the said party of the first part shall receive the sum of two hundred dol-
500 lars for each and every day the said boat may be kept in service, said steam ferry-boat to be kept staunch, sound, and strong, and her machinery in good running order and condition, by the said party of the first part.

It is understood by the parties to this agreement that in case the said steam ferry-boat shall be confiscated to the United States, then this contract shall be void; otherwise to remain in full force and virtue.

It is furthermore understood by the parties to this agreement that the said steam ferry-boat is not to be run outside of the bar of Port Royal, but at any and all points on the rivers and creeks that connect with Broad River.

This contract to commence on the 16th day of December, 1861, and continue in force ten days, after which each party has a right to cancel the same.

In witness whereof the undersigned have hereunto affixed their hands and seals, at Hilton Head, S. C., the day and date first above written.

(S'd) YGNACIO A. REYNALS. [L. S.]
(S'd) R. SAXTON, [L. S.]
*Capt. U. S. Army, Chief Quartermaster, E. C.*

501 Witnesses:
JOHN W. GREEN.
THOS. TANNATT.
JNO. H. MOORE.

I certify the foregoing paper-writing to be a true copy of the original charter party attached to the depositions in preparatorio in the suit of The United States vs. The Steam Ferry-boat Neustra Sonora de Regla, and which original charter-party has been taken from the files in said case and this certified copy thereof substituted, by order of court, made & entered January 20th, 1869.

GEORGE F. BETTS, *Clerk.*

*Extract from 12th interrogatory of Ignatio A. Reynals' deposition in preparatorio.*

I took my papers and went and presented myself to Commodore Dupont. He examined my papers. I stated my misfortunes, and that I was in need of assistance. He told me to make a list of everything I needed and he would assist me so that I could proceed. I made
502 a list and he assisted me by furnishing coal. I told him I had a letter and seven prisoners, which I delivered; this was on the 26th. On the 27th November I commenced to take coal, and on 28th took coal and stores. On the 29th, the weather being bad, commenced to drag. We were then taken by a gov't boat down to Hilton Head, close to the beach. The next thing was the vessel was captured. While we lay there the quartermaster of the U. S. forces came and wanted to purchase the vessel. I refused to sell, as I had no authority, and the next day we were seized. The vessel was detained, and about the 11th December they wanted to charter the boat and I signed a charter party, which I now produce, and it is marked E. H. O. They agreed with the engineers, and fitted her with rations, and went around in a river near Tybee Island; carried munitions of war. They kept her in use under the charter 32 or 33 days, and then the Navy Department took charge of her and continued her in its service; afterwards she was sent here to New York.

Adj'd to 27th inst., 1 p.m.

503 THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, &c. } 17, 187.

I, the undersigned, having been duly appointed and sworn as appraiser to appraise the value of the above-named steamer, her engine, &c., doth report that he has examined and appraised said steamer and

engine, &c., and do find that said steamer, engine, &c., is worth the sum of thirty thousand dollars.

Dated New York, Oct. 18th, 1862.

All of which is respectfully submitted.

JOHN ENGLIS.

(Indorsed:) In prize, vol. 17, page 187. United States district court, southern district of New York. In admiralty. The United States vs. The Steamer Nuestra Senora de Regla, &c. Appraiser's report. J. Englis. Filed Oct. 18, 1862.

504 U. S. district court.

THE UNITED STATES
*vs.*
THE STEAM FERRY-BOAT NUESTRA SENORA de Regla.

OCTOBER 10TH, 1874.

CHARLES DONOHUE being duly sworn as a witness in the above entitled action, upon reference:

I was one of the council in the above entitled action, and had principal charge of the entire defence. I know that the master of the vessel remained in the port awaiting to receive the return of the vessel if so adjudged until two or three months after a decree of restoration. That to my knowled'e the company to whom the above named vessel belonged took no steps to replace the boat by another, expecting that she would be restored. The boat was taken possession of by the United States pending the proceedings, and never restored, or offered to be.

505 I personally asked the district attorney to procure the restoration, and he was unable to do so, as she was in the government employ. No deficite of any kind to represent her value in any way was ever made, although I applied to E. Delafield Smith, the district attorney and his assistant, to procure such deficite. We were ready at all times for trial and desirous of trying. The court would not take the case up without the consent of the district attorney. That from the examination of the bills of the various mechanics who did the work upon the vessel on her building and construction it appeared that her actual cost to the company was fifty thousand dollars and upwards. That the case was carefully investigated by me, and I devoted a great deal of time of a year and a half in the effort to get the case disposed of. I made earnest appeals almost every week to the court & district attorney to get the case on for trial, but without success, until it was finally disposed of. Taking into consideration the importance of the case, the extent of the investigation, the time spent in the efforts to get

506 the case disposed of, in my judgement as a lawyer familiar with such class of cases, five thousand dollars would be a very reasonable counsel fee. My practice in the United States courts has been very extensive, and has covered a period of thirty years and upwards.

CHAS. DONOHUE.

Sworn to before me this 10th day of October, 1874.

GEO. F. BETTS,
*U. S. Commissioner.*

507 NATHANIEL L. MCCREADY sworn, says:

I am president of the Old Dominion Steamship Company. I have been connected with shipping for the last thirty years and upwards.

Q. From the breaking out of the rebellion were you engaged, more or less, in chartering ships and vessels of all classes to the United States Government?

A. I was.

A vessel built for a ferry-boat in the latter part of the year 1861, being of the burthen of 339½ tons measurement, at Port Royal, where the government desired to use her, what would have been a fair price for that vessel, or the rate at which the government were chartering vessels at or about that time.

(Obj. to, on the grounds that the witness has never seen the vessel, and no such description has been given to the witness of the character of the vessel as would enable him to judge of the character and value for the purposes of the charter, nor has the witness been
508 shown competent to give an opinion as to the value of the vessel, for the purposes of chartering her, at the place named at Port Royal. And further, no testimony as to the value of the charter is admissable, as the question of damage for detention is a subject of diplomatic arrangements between Spain and United States.)

A. A ferry-boat of 339½ tons register was worth at that time from 200 to 300 dollars per day, and all toll and port charges paid by the U. S. Government.

Q. Where was the principal point that government chartered vessels after the breaking out of the rebellion?

A. My impression is the port of New York.

Q. Did your experiance cover ferry-boat' as well as vessels and steamers?

A. I chartered one ferry-boat to the government.

509 Q. Were double-ender vessels peculiarly adapted for river service at that time down at Port Royal?

(Obj. to, on the grounds that the witness has never been shown competent to give an opinion.)

A. A few ferry-boats were adapted for river service.

Q. How much of your experiance has been in the coasting service down along the sea-coast?

A. I have been since 1840 owning and controlling vessels engaged in the coasting service between Maine and Texas.

Q. That service enables you, then, to become familiar with the coast?

A. Yes.

Q. Did the government build double-enders during the rebellion?

(Obj. to as immaterial.)

A. They did in the Navy.

N. L. MCCREADY.

Subscribed and sworn to before me this 16th day of July, 1874.

GEO. F. BETTS,
*U. S. Commissioner.*

510 APRIL 8TH, 1875.

WELCOME R. BEEBE, being duly sworn as a witness on the part of the claimant, says:

I was one of the procters for the claimant in this action and had constant & active participation therein, and of all the matters that transpired in the course of the action. That the vessel was appraised and

was taken out of the custody of the marshal against the assent and also the earnest remonstrance of the claimant, and that no part of the value of the vessel thus appraised has ever been paid into the registry of this court, nor has there ever been any offer to pay the same to the claimant or his procter, either before or since the decree. The whole matter having continued in the hands and under the control of deponent and his late partener, Judge Donohue, down to the present time, nore has any part thereof been paid.

W. R. BEEBE.

Subscribed and sworn to this 8th day of April, 1875, before me.

GEO. F. BETTS,
*U. S. Commissioner.*

511 MAY 29TH, 1875.

CHARLES DONOHUE (sworn on behalf of the claimant):

I had charge, in connection with my law partener, Mr. Beebe, of this case. I had specially the charge of it. The attendance of the captain here up to the time of the decree of restitution was employed looking after the vessel, and he did attend in New York, and he did attend for no other purpose that I know of but that. The appraised value of this vessel was never paid into court nor to the claimants, nor appropriated in any way that they could obtain the same, and there was no time until the final decree of restitution that the claimants could not have been found to receive the vessel if she had been offered to them or restored by the court.

CHARLES DONOHUE.

Cross-examination waived.

Subscribed and sworn to this 27th day of May, 1875.

GEO. F. BETTS,
*U. S. Commissioner.*

Evidence closed and case submitted by the respective parties.

511½ (Indorsed:) 17, 187 . 254. In prize; U. S. district court. The United States vs. The Steamer Nuestra Senora de Regla, her tackle, &c. Testimony on ref'ce. Filed March 13th, 1877.

512 United States district court, southern district of New York.

THE UNITED STATES, &c.
*vs.*
THE STEAMER NUESTRA SENORA DEL REGLA, her tackle, &c. } In prize.

The libellant excepts to the commissioner's report, made under the order of the court entered in this cause in June, 1870.

First. Because the said commissioner finds that the said steamer above named was seized as prize of war by the officers of the United States on the 29th day of November, 1861.

Second. Because the said commissioner in this report allows damages for the detention in these proceedings of said steamer for a period prior to the libelling of said steamer, and while, as appears from the evidence herein, the said steamer was employed under a charter to the United States.

Third. Because the said commissioner in his said report
513 allows damages for the detention of said steamer at the rate of two hundred dollars per diem, which the libellant claims to be excessive and far beyond the value of the services of said steamer to her owners.

Fourth. Because the said commissioner, nothwithstanding the fact that a decree of restitution was made herein and the said vessel ordered to be restored to her owners, and that there is no evidence to show the said vessel was lost or destroyed during the time of her detention under the libel herein, has allowed to the claimants, over and above the amount allowed as damages for such detention, the full value of said vessel as additional damages.

Fifth. Because the amount so allowed, as last aforesaid, for the value of said vessel is largely in excess of the amount of such value as proved by the evidence herein.

STEWART L. WOODFORD,
*U. S. Att'y, for Libellant.*

513½ (Indorsed:) 17, 254. U. S. dist. court, southern dist. of New York. The United States versus steamer Nuestra Senora de Regla, her tackle,&c. Libellant's exceptions. In prize. 17–187, 203. Stewart L. Woodford, U. S. attorney for the southern dist. of New York. Filed March 17th, 1877.

514 U. S. district court.

THE STEAMER NUESTRA SENORA DEL REGLA, her tackle, &c., *ads.* THE UNITED STATES.

Exception of the claimant to the report of the commissioner in the above entitled action.

FIRST EXCEPTION.—The claimant excepts to the report, because the commissioner failed to make any allowance for counsel fees among the items of damage sustained by the claimant.

BEEBE & DONOHUE,
*Proctors for Cl't.*

(Indorsed:) 17,187. 254. U. S. district court. In prize. The steamer Nuestra Senora de Regla, her tackle, &c., ads. the United States. Claimant's exceptions to commissioner's report. Beebe & Donohue, proctors for cl't. Filed April 24th, 1877.

515 *Memorandum.*

187.] U. S. DISTRICT ATTORNEY'S OFFICE, *New York.*

Due service of a notice of which the annexed is a copy and of a copy of annexed motion papers is hereby admitted.

New York, Oct. 2d, 1877.

District court of the United States for the southern district of New York.

THE UNITED STATES
*vs.*
STEAMER NUESTRA SENORA DE REGLA, HER tackle, &c.

To BEEBE & DONOHUE,
*Claimant's Proctors:*

GENTLEMEN: Please to take notice that at the United States courts and new post-office building in this city on the 6th day of October inst., at eleven o'clock in the forenoon or as soon thereafter as counsel can be heard, a motion will be made before Judge Blatchford to vacate
516 the order of reference to Geo. F. Betts, esq., to assess the damages of the claimant by reason of the seizure and detention of the vessel (which order was filed on the 22d day July, 1873);

And that this motion will be based on the annexed papers, and on all the papers on file in the registry of the court, and on the record of the case;

And that the grounds on which I shall rely as showing that said order of reference should be vacated are, among others, as follows:

1. Because only one commissioner or referee was appointed to assess the damages.

2. Because no decree for the said damages, when assessed, can be entered against the captors, they not being parties on the record.

3. Because there is no party on the record against whom a decree can be made.

4. Because it does not appear on the record that the claimant has a right to any damages whatever.

5. Because there is evidence in existence and on file in the registry of this court which shows that the claimants are not entitled to any damages.

New York, 2d Oct., 1877.

Yours, &c.,

STEWART L. WOODFORD,
*U. S. Att'y.*

L. B. C.

517 *Affidavit of service of William H. Daily.*

U. S. district court.

THE UNITED STATES
*against*
STEAMER NUESTRA SENORA DE REGLA, HER tackle, &c.

SOUTHERN DISTRICT OF NEW YORK,
*City and County of New York, ss:*

, being duly sworn, says he is a clerk in the office of Stewart L. Woodford, United States attorney; that on the 2d day of October, 1877, at the office of Beebe, Wilcox & Hobbs, No. 68 Wall st., at 10 minutes past 11 o'clock in the forenoon, he served a copy of the hereto annexed upon Beebe & Donohue, proctors for the claimants in this action, by delivering said copy, leaving the same with the person in charge of the law office of Beebe, Wilcox & Hobbs.

And deponent further says he is over fifteen years of age.

WILLIAM H. DAILY.

Sworn to before me this 2d day of October, 1877.

JAMES H. FITCH,
*Notary Public, No.* , *County.*

518 SOUTHERN DISTRICT OF NEW YORK, *ss:*

Samuel B. Clarke, being duly sworn, says that he is a clerk in the office of the U. S. district attorney for this district; that he has charge of the prize case, United States vs. Steamer Nuestra Senora de Regla, her tackle, &c.; that with reference to this case he has carefully searched and examined the dockets and records of the district attorney's office and the dockets and records of the office of the clerk or register of the court; that from such examination he verily believes the following propositions to be true:

1. That the libel was filed June 9th, 1862.

2. That the captors, who were soldiers, never intervened.

3. That the only parties that are now or ever have been on the record are the United State', libellant; the vessel, defendant; and the Compagne del ferro-carrel de la Bahia de la Habana a Matanzas, claimant.

4. That on the 20th of June, 1863, the court decreed restitution of the vessel to the claimant, and "further ordered that the question
519 of costs of this adjudication and of damages resulting from the capture be reserved for future hearing and determination."

5. That Judge Betts made the above decree by consent of all parties, and accordingly did not write any opinion or decision.

6. That there never has been any hearing on or determination of the question whether the claimants are entitled to any damages.

7. That on the 2d of June, 1870, on motion of the counsel for the claimants, the U. S. attorney being present and assenting, it was ordered that it be referred to Geo. F. Betts, esq., "to ascertain what damages and the amount thereof" the claimants had sustained "by reason of the seizure and detention of the vessel."

8. On the 19th May, 1871, the commissioner reported, having assessed the damages of claimants at $214,884.00.

9. That the district attorney filed exceptions to the said report; which exceptions having been overruled, final judgement was entered without more in claimant's favor, on the 28th Oct., 1871.

520 9. That an appeal having been taken *taken* to the supreme court, the said supreme court overruled and reversed the said final judgment in favor of the claimants.

10. On the 22d day of July, 1873, the mandate of the supreme court was filed, and the judgement of the supreme court was made the judgment of the district court; and it was ordered, on motion of Charles Donohue, esq., for the claimants, Geo. Bliss, esq., U. S. attorney, opposing, that it be referred to Geo. F. Betts, esq., "to assess the damages of the claimant of the vessel sustained by him in consequence of the seizure and detention of said vessel."

11. That on the 13th March, 1877, the report of the said commissioner was filed; that exceptions to this report were filed both by libellant and claimant, and that the question is now under the consideration of the court whether these exceptions shall be sustained or not.

And deponant further says that he verily believes that the
521 captors had probable cause for seizing the said steamer Nuestra Senora de Regla; and that the claimant is not entitled to any damages against the captors; and that he bases this belief on letters now on file in said cause in the registry of this court, specimens of which said letters are hereto annexed and marked Exhibits A, B (1), and B (2), and to

all of which said letters deponent begs leave to refer; and deponent further says that the papers on file indicate that the said letters were found on board the Nuestra Sonora de Regla at the time of her capture.

And deponent further says that Exhibits A, B (1), and B (2) are copies of papers on file; that deponent has comparred said copies with the papers on file, and that they are true copies.

SAMUEL B. CLARKE.

Sworn to before me this 24th day of Sept., 1877.

J. M. DEUEL,
*U. S. Cm. S. Dst. N. Y.*

522 EXHIBIT A.

OFFICE PROVOST MARSHAL,
*Hilton Head, So. Ca., Dec.* 18, 1861.

GENERAL: I have the honor to report that when, on the 1st day of December, 1861, I, by your order, searched the Spanish ferry-boat Ntra. Sra. de Regla for dispatches and other matter in aid and encouragement of the rebellion, I then in my report asserted that, from the suspicious conduct of her master, Capt. Reynolds, and rumors that reached my ears, I had not been able to find all the letters and dispatches on board of her; that more were yet concealed on her. The corporal in charge of the guard on board of this steamer was instructed to make daily reports to me of the daily acts, words, and looks of the captain. From these reports and rumors which reached my ears I became satisfied that the documents were concealed between the lining and the outside of the boat. On the 17th, at 10 a. m., I took a carpenter with me on board this Spanish ferry-boat, the Ntra. Sra. de Regla, and proceeded to make a hole through the lining of the cabin in which the captain sleeps and
523 eats, at a point about 10 feet from the door, and near a table which was placed against the lining of the cabin. Finding nothing there I had the table removed, and another hole made in the lining or ceiling nearer the wheel-house, and about four feet distant from the first opening. On reaching through this hole, and down to the deck, I found letters and documents which I now send you. These were evidently dropped in through a small opening above, and fell down till they reached the deck. And it is also evident that they were placed there believing it impossible to find them, thus concealed. And it would have been impossible for the captain, who surely placed them there, to get them out without making a hole through the lining or taking off a board, which they clearly designed doing when the boat reached Havana. During the search the captain paced up and down the deck, betraying great agitation, and clear evidence of complicity and guilt in the matter of the concealment of the documents thus discovered. From the manner and place of concealment, and the conduct of Captain Reynolds, the captain of the Spanish ferry-boat Ntra.
524 Sra. de Regla, I have no hesitancy in saying that he placed the documents and letters found on board the steamer where I found them.

I have the honor, with respect, to be your ob't ser'v't,

OLIVER T. BEARD,
*Maj. 48 N. Y. Vol., Provost Marshal.*

To Brig. Gen'l T. W. SHERMAN,
*Comdg. E. C.*

525 EXHIBIT B (1).

CHARLESTON, S. C., *Nov'b.* 13, 1861.

MY DEAR GIFFORD: I am thus far on my way to you; prudence forbids my naming the route. I send you a copy of a most valuable order from the Ordnance Dept. and by another opportunity a duplicate of the same.

I have retained the original to bring with me. God willing, I will reach you Christmas week. The two routes by which I send you these I cannot mention. I have also sent you an order from Purcell, Ladd & Co. accompanying papers explanatory. This can be postponed till I reach you unless I should be longer than I hope. I have the original. I will send you also the duplicate of the same by another route.

God bless you & bring us safely and soon together for good. All well at your home.

Yours, affect'ly,

B. T.

Also find copy of important letter from the Sec'y of Treasury in reference to cotton, &c., &c., which will be useful to you in your negotiations.

B. T.

526 Address on the envelope: "A. F. D. Gifford, esq., care of George Peabody & Co., brokers, Old Broad street, London, England."

527 EXHIBIT B (2).

ORDNANCE OFFICE,
*Richmond, Va., Nov. 3rd,* 1861.

BEVERLY TUCKER & CO.
A. F. D. GIFFORD.

GENTLEMEN: You are authorized to furnish this department with the following articles, viz:

10,000 Enfield rifles and bayonets, or approved rifles with bayonets of other description.
5,000 carbines.
5,000 cavalry sabres, metal scabbards.
2,000 revolver pistols (Colt's or Dean & Adams'.)
200 tons saltpetre.
50 " sulpher.
50 " cannon powder.
50 " rifle powder.
1,000 lbs. gum shillac.
1,000 " " copal.
1,000 emory, assorted sizes.
50 reams emory cloth, ass't'd.
Screws ass't'd.
Files ass't'd.

528 Any or all the above will be received, if delivered before April 1st, 1862, for which you will be paid as follows: For saltpetre, 35 cts. per lb.; for sulpher, 10 cts. pr. lb.; for all the other articles 125 (one hundred & twenty-five) per ct. advance on the invoice price when delivered within the Confederate States, payable one-third Confederate bonds, balance current funds.

It is stipulated that the above-named articles shall be of approved quality and workmanship, both as to the arms and materials.

It is also stipulated that this order shall terminate April 1st, 1862, except as to such articles as shall be shown to be actually in transit at that date.

J. GORGAS,
*Lt. Col., Chief of Ord.*

We accept the above order with its provissions.

BEVE'LEY TUCKER,
By A. F. D. GIFFORD.
BEVE'LEY TUCKER.

529 That part of affidavit of Clark objected to with exhibits referred to should be stricken out. I think this libellant's proceedings in procuring the reference excepting to report, &c., are a sufficient reason why the questions raised should not be determined on a motion to vacate the order of reference. All points which are substantial will be open on the exception or on motion for decree. Preliminary objections sustained.

Dec. 19, 1878.

W. G. C.

(Indorsed:) District court of United States. S. D. N. Y. In prize. 17,187. 254. The United States vs. Steamer Nuestra Senora de Regla, her tackle, &c. Motion papers for vacation of order of reference & notice. 2nd October, 1877. Stewart L. Woodford, U. S. att'y.

530 *Affidavit of Chas. Donohue.*

U. S. district court, So. dist. of New York.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c., The Compagnia del ferro carrel de la Bahia de la Havana a Matanzas, claimants.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Charles Donohue, being duly sworn, deposes and says as follows:

I was one of the proctors for the claimants in this cause, and as advocate for them had charge of the same in its several stages, until I entered upon my duties as a judge of the supreme court of the State of New York, in the first judicial department, January 1st, 1874.

The seizure of the vessel was made by Assistant Quartermaster
531 Saxton in November, 1861. The vessel was held and used in the service of the government until she was sent to New York, and there, while still in possession of the United States, was libelled June 9th, 1862, as lawful prize by the United States as captors, and was thereupon taken into custody by the U. S. marshal.

The claimants above named intervened and alleged by their duly verified claim that they were Spanish subjects, the true and only owners of the vessel, and that they were entitled to a return of the vessel, with damages for her detention and costs.

On the 23rd June, 1863, in due course of procedure according to the practice in prize cases, the cause came on to be heard before Judge Betts, who made a decree of restitution, reserving the question of costs and of damages for future hearing and determination. No question as to the jurisdiction or power of the court to entertain or determine the question of costs and damages was raised or interposed on behalf of the United States on such hearing or at any time prior thereto.

532 In October, 1863, an order was made, based upon the consent of the U. S. district attorney and of claimants' proctors, staying proceedings, to the end that the question of damages reserved by the decree might be considered and adjusted by the Government of the United States on the application and with the concurrence of the Government of Spain. This stipulation and order were induced by the fact that negotiations and correspondence looking to a settlement of the claim of the owners of the vessel had taken place and were pending between the Spanish minister and the Department of State of the United States, the view being then entertained, which was afterwards expressed by the supreme court, that, under the circumstances of the case, the subject was one proper for "diplomatic adjustment." The negotiation was continued for some time, and in May, 1870, the State Department addressed to the Spanish minister a letter, of which the following is a copy, as communicated by the Spanish minister to the proctors of the claimants:

DEPARTMENT OF STATE,
*Washington, May 20th*, 1870.

533 SIR: I have the honor to acknowledge the receipt of your note of the 5th instant in relation to the Spanish steamer Nuestra Senora de Regla, and the claim which arose in consequence of her seizure by the United States authorities in 1861.

The district court of the United States for the southern district of New York, after deciding that the claimants were entitled to restitution of the vessel, made an order suspending proceedings, to the end that the question of damages might be considered and adjusted by the government on the application and with the concurrence of that of Spain.

Without referring to the reasons which have so long delayed any arrangement between the two governments, I have now to say that it will be most satisfactory to the government that the parties interested should apply to the court, which still retains jurisdiction of the case, to obtain such further relief as justice may demand, and in the mode which that tribunal shall deem most proper and convenient.

I avail myself of this occasion to offer to you assurances of my
534 very high consideration.

J. C. BANCROFT DAVIS,
*Acting Secretary of State.*

Pursuant to the foregoing letter, and acting under the request and instructions of the Spanish minister in consequence thereof, application was forthwith made to this court for an order of reference to the commissioner to ascertain the damages sustained by the claimants by reason of her seizure and detention, and an order was duly made June 2d, 1870, within a fortnight after the above letter of the State Department had been received by the Spanish minister, referring it to George F. Betts, a commissioner of this court, to ascertain and report the damages aforesaid. No question of jurisdiction was raised or intimated at this time

or on the hearing before the commissioner. On the contrary, the proceeding was facilitated, as I believe, on the part of the United States in good faith, pursuant to the views expressed by the State Department.

The motion for the order of reference was made in open court by
535 Mr. Evarts, who was my associate counsel, and the U. S. district attorney, Mr. Pierrepont, was present and assenting thereto, as appears by the original order, and gave such assent, under express instructions received by him from the proper government officer.

In the meantime the vessel had been taken into possession by the Navy Department, for the use of the Government of the United States, upon an order made by this court August 22d, 1862. On motion of the district attorney, and against the opposition of the claimants' proctors, the order provided for an appraisement of the vessel and the filing in court of a certificate of the assistant treasurer of the United States in New York that the amount of the appraisement had been deposited in the United States Treasury, subject to the order of the court.

The appraisement was had pursuant to the order, and the vessel was appraised at $28,000 (her original cost having been nearly $50,000), but the certificate was never filed.

On September 29th, 1865, the clerk of this court addressed a
536 letter to the assistant treasurer of the United States in New York, enquiring whether the said appraised value had been deposited as directed by the order, and received a reply of which the following is a true copy:

UNITED STATES TREASURY,
*New York, Sept. 30th*, 1865.

SIR: In reply to your favor of the 29th inst., I have to inform you that no credit of $28,000 in the case of the United States vs. The Steamer Nuestra Senora de Regla, &c., and subject to the order of the United States district court for the southern district of New York, appears to have been made at this office the 22d of August, 1862.

Very respectfully,

M. H. VAN DYCK,
*Asst. Treasurer.*

Hon. GEO. F. BETTS,
*Clerk of the Southern Dist. Court, New York.*

After making of the aforesaid order of August 22d, 1862, the question of damages being then and for nearly eight years afterwards in
537 charge of the representavives of the United States Government and of the Spanish Government, nothing was done in the cause until the making of the order of reference June 2nd, 1870, above referred to. The United States authorities had and kept the vessel, and I do not know what they did with her.

The commissioner made his report May 10th, 1871, and awarded the several sums which appear therein and as therein stated. It was claimed on the reference, and the question submitted thereon was upon the distinct claim always made, and never at any time waived, that the claimants were entitled to their damages for the unlawful detention of the vessel, and that the agreed price of the charter made by Capt. Saxton when he was able to compel acquiescence on his own terms was evidence and binding evidence in the case of the value of the use of the vessel.

Exceptions to the commissioner's report were filed by the U. S. district attorney, which appears on page 13 of the record in the U.
538 S. Supreme Court, and no question of jurisdiction or exception

on any ground of jurisdiction was made or suggested therein, or on the argument for the confirmation of the report, which was confirmed October 28, 1871, after full hearing on all the exceptions.

After an appeal had been taken to the Supreme Court of the United States, the question of jurisdiction was raised for the first time by the Attorney-General, who submitted a brief on that question, and the question of jurisdiction was argued in the Supreme Court, as appears by the report of the case in 17th Wallace, on page 31. The court, however, considered the cause on its merits and reversed the decree on the sole ground of error in the single item of counsel fees; held that it was clear that the vessel was not lawful prize of war or subject of capture, and that the corporation which owned her was doubtless entitled to fair indemnity for the losses sustained by the seizure and employment of the vessel; and then, after a suggestion that the subject might properly be one for diplomatic adjustment (a suggestion
539 made, as I believe, without any knowledge by the court that its own government had kept the case in court), the cause was by the Supreme Court remanded for further proceedings.

In obedience to the mandate of the Supreme Court, a further order of reference was made July 22d, 1873, for the ascertainment of the damages. This order was not opposed on any ground of jurisdiction, nor was any such objection made on the hearing before the commissioner.

Since the decision of the Supreme Court above referred to, and in furtherance of the concluding suggestion of the opinion, efforts have been made by me personally, and by other parties representing the claimants, to secure the re-opening of diplomatic negotiations for adjustment of the claim of the owners of the vessel, but the State Department has taken no action in the premises, and, as I understand, declines to do so.

CH'S DONOHUE.

Sworn to before me this 29th day of November, 1878.

540 [SEAL.] ADRIAN H. JOLINE,
*Notary Public, Kings Co.*

Certificate filed in N. Y. Co.

(Indorsed:) U. S. district court, south'n dist. of New York. The United States vs. The steamer Nuestra Senora de Regla, her tackle, &c., The Compagnia del Ferro Carrel, &c., claimants. Affidavit of Charles Donohue on motion to vacate order of reference, &c.

541 At a stated term of the district court of the United States for the southern district of New York, held at the United States court rooms in the city of New York, on the first day of February, 1879.

Present, Hon. William G. Choate, district judge.

THE UNITED STATES, LIBELLANT,
*vs.*
THE STEAM FERRY BOAT NUESTRA SENORA de Regla, her tackle & cargo, whereof the Campania del Ferro Carrel de la Bahia de la Habana at Matanzas are claimants.

The libellant having moved to vacate the order of reference to Geo. F. Betts, esq., to assess the damages of the claimants by reason
542 of the seizure and detention of the vessel (which order was filed on the 22d day of July, 1873) upon the papers and grounds spec-

ified in the notice of motion, and said motion having come on to be heard, and the counsel for the claimants having taken preliminary objections to said motion, as will more fully appear in said objections on file, and having also moved that certain portions of the affidavit of Samuel B. Clark, presented by libel'ant in support of the motion first above referred to, be stricken out, and Mr. William Allen Butler, counsel for the claimants, having been heard in support of said preliminary objections, and Hon. Stewart L. Woodford, United States district attorney for the libellant, having been heard in opposition thereto, and on reading and filing the original notice of motion, and the affidavit of Samuel B. Clark, and the memoranda of said preliminary objections, it is now, on motion of the proctors for the claimants, ordered that those portions of the affidavit of Samuel B. Clark objected to, with the exhibits there-
543 in specified, be stricken out.

And it appearing to the court that the libellant's proceedings in procuring the aforesaid reference and excepting to the report of the said Geo. F. Betts are a sufficient reason why the questions raised should not be determined on, a motion to vacate the order of reference, and that all points which are substantial will be open for argument on the exceptions to said report or on motion for a decree, it is further, and on motion of the claimants' proctors, ordered that libellants' motion to vacate said order of reference be and is hereby in all respects denied.

W. G. CHOATE.

(Indorsed:) District court of the U. S., southern dist. of New York. In prize. 17, 187. 254. The United States, libellant, vs. the steam ferry boat Nuestra Senora de Regla, her tackle, cargo, &c. Order 20. Butler, Stillman & Hubbard, 111 Broadway, N. Y. Filed Feb'y 3rd, 1879.

544 *Affidavit of service of affidavit & notice of motion to amend exceptions.*

U. S. district court.

THE UNITED STATES
*against*
THE STEAMER NUESTRA SENORA DE REGLA.

SOUTHERN DISTRICT OF NEW YORK,
*City and County of New York, ss:*

Charles R. Chubbuck, being duly sworn, says he is a clerk in the office of Stewart L. Woodford, United States att'y; that on the 7 day January, 1879, at 68 Wall street, he served a copy of the hereto annexed notice upon Messrs. Beebe, Dean & Donohue, in this action, by delivering said copy to Beebe, Dean & Donohue, and leaving the same with a clerk in their office. And deponent further says he is over seventeen years of age.

CHAS. R. CHUBBUCK.

Sworn to before me this 7th day of January, 1879.
SUTHERLAND TENNY,
*Notary Public, No. , N. Y. County.*

545 District court of the United States, southern district of New York.

THE UNITED STATES
*against*
THE STEAMER NUESTRA SENORA DE REGLA.

GENTLEMEN: Take notice that on the annexed affidavit and all the proceedings in this cause I shall apply to this court at a session thereof to be holden at the court rooms in the U. S. Court & P. O. building in the city of New York, on the 11th day of January, 1879, at 11 o'clock a. m., or as soon thereafter as counsel can be heard, for leave to amend the exceptions to the referee's report filed herein, on the 17th day of March, 1877. Annexed hereto are the proposed amended exceptions, which I desire to file, and I shall move the court to file them nunc pro tunc, as of the said 17th day of March, 1877.

Dated January 2nd, 1879.

Yours, respectfully,

STEWART L. WOODFORD,
*U. S. Atty.*

To Messrs. BEEBE, DEAN & DONOHUE,
*Proctors for Claimant.*

546 District court of the United States, southern district of New York.

THE UNITED STATES
*against*
THE STEAMER NUESTRA SENORA DE REGLA,
her tackle, &c.

SOUTHERN DISTRICT OF NEW YORK,
*City and County of New York, ss:*

Stewart L. Woodford, being duly sworn, says that he is United States attorney for the southern district of New York; that he assumed the duties of that office on the 24th day of January, 1877.

It appears from the papers in this cause on file in the registry of this court that the report of the referee appointed to assess claimant's damages herein bears date June 10th, 1875, and that said report was not filed until March 13th, 1877.

All the testimony before the referee was taken before deponent became district atty. Moreover, there had been so many changes in the staff of the district attorney's office that deponent was unable, when notice of filing of the said report was given, to find any one among
547 his assistants who had ever taken any part in the conduct of the cause, either under deponent or under any of his predecessors.

The rules of practice of the court require exceptions to a report to be filed, if at all, within four days. At the time of the filing of this report, deponent and his assistants were fully occupied with other business of the office. Deponent therefore caused to be filed a copy of the exceptions that had been taken to the report under the first order of reference, and such copy was filed March 17th, 1877. Through a clerical mistake these exceptions were not changed so as to apply to the report under the second order of reference of July, 1873, but apply to the report under the first order of June, 1870.

During the summer of 1877 much work was done towards preparing a brief for the argument of the exceptions. The investigations then made led deponent to the conclusion that the order of reference had

been improvidently granted, & accordingly, on the 2d day of October, 1877, deponent gave notice of a motion to vacate the order of ref-
548 erence. This motion was repeatedly adjourned at the request of claimant's counsel. This deponent, or one of his assistants, attended in court on thirty-five distinct occasions, ready to argue the motion, but every time it was adjourned at claimant's request. At last, on the 30th day of November, 1878, deponent succeeded in having the motion heard. After argument and due deliberation, the motion was denied.

Deponent has become convinced by his investigations of this case, that other and further exceptions to the report are proper and necessary in order to bring the entire case properly before the court, and deponent verily believes that unless such other exceptions can be filed, the interests of the United States may seriously suffer.

The amount involved is large, over one-quarter million dollars. The questions involved are important. Should the permission now sought be granted, but little comparative delay will result.

STEWART L. WOODFORD.

Sworn to before me this 3rd day of January, 1879.

SOUTHERLAND TENNY,
*Not'ry Public, New York County.*

549 District court of the United States, southern district of New York.

THE UNITED STATES
*against*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c.

The libellant excepts to the commissioner's report made under the order of the court entered in this cause July 22d, 1873:

First. Because the said report is erroneous in each and every part thereof, & the allowance of damages grossly excessive.

Second. Because the said commissioner finds that said steamer above named was seized as prize of war by the officers of the United States on the 29th day of November, 1861.

Third. Because the said commissioner in his report allows damages for the detention in these proceedings of said steamer for a period prior to the libeling of said steamer, and while it appears from the evidence herein the said steamer was employed under a charter to the United States.

550 Fourth. Because the said commissioner in his said report allows damages for the detention of said steamer at the rate of two hundred dollars per diem, which the libellant claims to be excessive and far beyond the value of the service of said steamer to the owners, and far beyond the value to any one so far as disclosed by the evidence.

Fifth. Because the said commissioner allows damages for the detention of said steamer for 568 days, when it nowhere appears that she was detained any such length of time.

Sixth. Because the said commissioner, notwithstanding the fact that a decree of restitution was made herein and the said vessel ordered to be restored to her owners, and that there is no evidence to show that the said vessel was lost or destroyed during the time of her detention under the libel herein, has allowed to the claimant, over & above the

amount allowed as damages for such detention, the full value of said vessel as additional damages.

Seventh. Because the said commissioner, notwithstanding the
551 fact that the vessel was delivered to Commodore Radford, September 6th, 1862, and then converted to the use of the United States, has allowed the sum of $30,000, the (so-called) value of said vessel, as the damages for the conversion, and in addition thereto damages at the rate of $200 per day for the detention of said vessel from that date to June 20th, 1863.

Eighth. Because the amount so allowed as aforesaid for the value of said vessel is largely in excess of the amount of such value as proven by the evidence herein.

Ninth. Because the said commissioner in his report has allowed damages for the amount paid for the services of an agent of claimant to attend and take care of said steamer for 568 days at the rate of ten dollars ($10) per day; while it does not appear from the evidence that any agent of claimant was employed to take care of said vessel for any such length of time; and while it does not appear that his services, if employed, were worth any such sum.

Tenth. Because the court has no power to award any damages;
552 damages cannot be given against the United States, and there is no other party on the record against whom they could be given.

Dated New York, January 4th, 1879.

STEWART L. WOODFORD,
*United States Attorney.*

553 U. S. district court.

THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c., *ads.* THE UNITED STATES.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Welcome R. Beebe, of said district, being duly sworn, says that he is one of the proctors for the claimant in the above entitled action, and has been familiar with the proceedings therein from the time they were initiated. That before the decree of restitution was entered in the above action the vessel was appraised by appraisers appointed solely by the United States, and who were in its service and who appraised her at a price far below her actual cost and value, and against the desire of the claimants was taken from the custody of the United States marshal by the government, and her appraised value has never been paid or offered to be paid. That after the decree of restitution was entered, a claim was made by the claimant through the Spanish Government for the recovery of the damages sustained by it for the taking and detention of the said steamer by the United States, and after negotia-
554 tions had been pending for several years for indemnity they resulted in the then district attorney, Edward Pierrepoint, esq., being instructed by the Secretary of Treasury, representing the Government of the United States, to have the damages ascertained and assessed by the district court in which the action had been pending, and an order to that effect was by consent entered and it was referred to George F. Betts, esq., one of the commissioners of the court, to ascertain and re-

port such damages, and report the same to the court. That the said reference was pending before him for several months, giving to the United States to introduce any testimony that it was in their *favor* to produce, and upon the final closing of the testimony the said commissioner made his report. That to this report exceptions were filed on the part of the United States and fully argued before this court, and the exceptions were overruled and the report sustained, and thereupon a final decree was entered and from which an appeal was taken to the Supreme Court of the United States, which court after
555 full hearing disapproved of but a single item of damages reported, viz, the counsel fee allowed, and remanded the cause for further proceedings. That the second reference was pending for months, and new and further evidence was introduced on the part of the claimant to further sustain the claim for damages for the extent of which the charter party was used as an item of evidence, which charter had been made by the government through its officers duly authorized for that purpose, and after the lapse of this extended time the commissioner made his second report and to which exceptions were filed and which are now pending before this court.

That the vessel after being seized by the United States was kept actively in its service at the seat of war for nearly a year after that time before it was sent to New York for adjudication and with the full knowledge that if restored a demand would be made on the part of the claimant not only for damages for seizure, but for detention and use. That after being so sent to New York for adjudication a year and more
556 elapsed before a decree of restitution was made and after a lapse for more than two years for the United States to ascertain whether the steamer had in any way violated neutrality laws, and resulted in its not only not being able to find sufficient cause upon which to procure the condemnation of the vessel, but were obliged as an act of simple justice to submit to its restitution, and up to the date of the last report sixteen years and upwards have gone by since the injustifiable seizure of the vessel, and a large portion of which time has been expended by the claimant in its efforts to procure compensation for damages which it has sustained.

W. R. BEEBE.

Sworn to before me this 27th day of November, 1868.
[SEAL.] JAMES MACKLIN,
*Notary Public, N. Y. Co.*

557 U. S. district court.

THE STEAMER NUESTRA SENORA DEL REGLA, her tackle, &c.,
*ads.*
THE UNITED STATES.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Eugene Gentilhon of said district, being duly sworn, says that he is the agent of the claimant of the above named steamer and has been since the time of her construction, and that she was built to run as ferry-boat between Havana & Regla across the bay to connect with the railroad to Matanzas, and that at present knows that the said ferry-boat was constructed and dispatched for Havana for that purpose and

no other; that the seizure and non-arrival of the said steam ferry-boat at Havana was almost ruinous to the company who was the claimant of and owner of the said steam-tug and its interests. That deponent has familiar and personal acquaintance with the business in which the said steam ferry-boat was about to engage, and deponent from such
558 knowledge and from reliable information in his possession knows that the damages sustained by the said claimant far exceed the amount reputed by the commissioner in this action, and that the failure to produce such proof upon the reference was due solely to the advise of the counsel for the claimant; that the amount provided for in the charter party was the true measure of damages. That deponent knows that at all times after the seizure of the said ferry-boat that the claimant of the said ferry-boat was most desirous and used all the efforts in its power to that end that the vessel should be sent in for adjudication, and that it was only after the repeated requests and the earnest protest of the Spanish Government that she was so sent in.

E. GENTILHON.

Sworn to before me this 29th day of November, 1878.
[SEAL.] JAMES MACKLIN,
*Notary Public, N. Y. Co.*

558½ (Indorsed:) U. S. district court. The United States vs. The steamer Nuestra Senora del Regla. Affidavits, &c. Beebe, Wilcox & Hobbs, proctors for cl'm'ts, 68 Wall st., New York.

559 I think it is now too late to allow the amendments of the exception, except in matter of form to make them applicable to the new report of the com'r, as they were conceded to be intended to be. There has not only been great laches in making the application, but virtually upon the same report, so far as this question is concerned, the government took the same exceptions in 1871 and stood by them in this court and the Supreme Court. Such an amendment under these circumstances would, it seems to me, not be in furtherance but in subversion of justice and of all regularity and propriety of judicial proceedings.

Motion denied.
Feb'y 7th, 1879.

W. G. C.

(Indorsed:) U. S. district court, sou. dist. New York. The United States against the steamer Nuestra Senora de Regla. Affidavit and notices of motion & annexed exceptions. Stewart L. Woodford, U. S. attorney. Due service of written affidavit & notice admitted, N. Y., June 3rd, 1879.

560 At a stated term of the district court of the United States for the southern district of New York, held at the court rooms, in the city of New York, on the twenty sixth day of February, 1879.

Present, the honorable William G. Choate, district judge.

THE UNITED STATES, LIBELLANTS,
*vs.*
THE STEAM FERRY-BOAT NUESTRA SENORA de Regla, her cargo, &c., whereof the Compania del Ferro Carrel de la Bahia de la Habana, a Matanzas, are complainants.

The libellants having moved for leave of this court to amend the ex-

ceptions filed by them on the 17th day of March, 1877, to the report of the commissioner herein, and to file the proposed amended exceptions nunc pro tunc as of the said 17th day of March, 1877, and the said motion having come on to be heard, now, on reading and filing the original notice of motion and the affidavit of Stewart L. Woodford, United
561 States district attorney, in support of the motion, and the affidavit of Charles Donohue in opposition thereto, and ater hearing Mr. Tenny, assistant United States district attorney, on behalf of the libellants, and William Allen Butler, esq., on behalf of the claimants, and the court having taken time to deliberate, it is, on motion of Beebe & Donohue, proctors for the claimants, ordered that said motion for leave to amend the exceptions filed on the 17th day of March, 1877, and to file amended exceptions nunc pro tunc as of the said 17th day of March, 1877, be granted so far as to allow the said exceptions filed on the 17th day of March, 1877, to be so amended as to refer to the report of the commissioner filed on the 13th day of March, 1877, instead of "to the commissioner's report made under the order of court, entered in June, 1870," and that the said motion be and that thereby is in all other respects denied.

W. G. CHOATE.

561½ (Indorsed: In prize U. S. district court, southern district of New York 17, 187. 254. The United States, libellants, vs. The steam ferry-boat Nuestra Senora del Regla, her cargo, &c., claimants. Order denying motion to amend exceptions. Butler, Stillman & Hubbard, counsel for claimants' No. 111 Broadway, N. Y. Filed Feb'y 26th, 1879.

562 United States district court, southern district of New York.

THE UNITED STATES, &c.
*vs.*
THE STEAMER NUESTRA SENORA DEL REGLA, her tackle, &c. } In prize.

The libellant excepts to the commissioner's report in this cause dated June 10th, 1875, and filed March 13, 1877.

First. Because the said commissioner finds that the said steamer above named was seized as prize of war by the officers of the United States on the 29th day of November, 1861.

Second. Because the said commissioner, in his report, allows damages for the detention in these proceedings of the said steamer for a period prior to the libelling of said steamer, and while as appears from the evidence herein the said steamer was employed under a charter to the United S ates.

563 Third. Because the said commissioner, in his said report, allows damages for the detention of said steamer at the rate of two hundred dollars per diem, which the libellant claims to be excessive and far beyond the value of the service of said steamer to her owners.

Fourth. Because the said commissioner, notwithstanding the fact that a decree of restitution was made herein and the said vessel ordered to be restored to her owners, and that there is no evidence to show that the said vessel was lost*ed* or destroyed during the time of her detention, under the libel herein has allowed to the claimants, over and above the amount allowed as damages for such detention, the full value of said vessel as additional damages.

Fifth. Because the amount so allowed, as last aforesaid, for the value of said vessel is largely in excess of the amount of such value, as proved by the evidence herein.

STEWART L. WOODFORD,
*U. S. Attorney, for libellants.*

(Indorsed:) In prize. U. S. district court, so. dist. of New York, 17, 187. 254. The United States vs. The steamer Nuestra Senora de Regla, her tackle, &c. Amended exceptions to commissioner's report of March 13, 1877. S. L. Woodford U. S. attorney, for libellants. Filed March 7th, 1879, hunc pro tunc as of Mar. 17, 1877, per order of court.

564 U. S. district court, so. dist. N. Y.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA, &C.

CHOATE, *J.:*

The exceptions in this case on the part of the plaintiff present no point not already determined by the decision of Judge Blatchford, and that decision, so far as these exceptions are concerned, was not disturbed on that appeal. I therefore decline to reconsider those points, & simply follow his decision and overrule the exception. As to the exception on the part of the claimants, the new testimony now offered in support of the counsel fee before allowed, & which was held on appeal to have been improperly allowed, does not meet nor obviate the objection that no counsel fee can in such case be allowed, which seems to have been the ruling of the Supreme Court. Claimants' exception to the disallowance of this item of damages is therefore overruled. The plaintiff asks that the cause be dismissed for want of jurisdiction to enter
565 a decree for damages. It appears that this question of jurisdiction was argued before the Supreme Court upon the appeal, and that court certainly did not determine against the jurisdiction. I think, after what has taken place in the Supreme Court and in this court, I must refuse to dismiss the cause on this ground.

The proceedings for all assessment of damages were taken on the motion of the plaintiff, and the litigation thereon has been most protracted. The cause should not be dismissed on the plaintiff's application, therefore, unless the point is very clear and free from doubt. The proceedings in this cause afford in fact strong reason to conclude that Judge Blatchford, as well as the legal advisers of the United States, was of opinion that the court had jurisdiction, and the point now taken does not appear to have been sustained by the Supreme Court.

Under these circumstances, I decline to entertain the question, & follow the precedent and authority of the former decision. The
566 report must be confirmed and a decree entered accordingly.

March 1st, 1879.

S. Tenny, ass't U. S. dist. att'y, for the plaintiff.
W. R. Beebe & W. R. Butler for claimants.

(Indorsed:) In prize. U. S. dist. court, so. dist. N. Y. The United States vs. Steamer Nuestra Senora de Regla, &c. Decision. M'ch 1, '79. Judge Choate.

567 At a stated term of the district court of the United States of America for the southern district of New York, on the eighth

day of March, in the year of our Lord one thousand eight hundred and seventy-nine.

Present, the honorable William G. Choate, district judge.

THE UNITED STATES
*vs.*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c.

The libellants and claimants having respectively filed exceptions to the commissioner's report in the above entitled action, which report bears date the 10th day of June, 1875, and the said several exceptions coming on to be heard, and after hearing the advocates for the parties respectively, to wit, the United States and the claimants, no other party having at any stage of the action appeared, it is now ordered that the said several exceptions be, and the same hereby are, overruled, and that the said report be, and the same hereby is, in all things,
568 confirmed; and on motion of Beebe & Donohue, proctors for the claimants, it is hereby ordered, adjudged, and decreed that the claimants recover in this action against the libellants, the United States, for the value of the above-named vessel, and for the damages caused by and arising out of the capture and detention of the said vessel, the sum of two hundred & fifty-two thousand five hundred and twenty-seven dollars, being the sum found due in and by said report, and interest thereon at the rate of six per cent. per annum from the date of said report to the date of this decree, amounting to the sum of fifty-six thousand four hundred and five dollars and thirty-eight cents, making in all the sum of three hundred and eight thousand nine hundred and thirty-two dollars and thirty-eight cents.

WM. G. CHOATE.

568½ (Indorsed:) In prize. Vol. 17, No. 187. United States dist. court for the southern dist. of N. Y. The United States v. The Steamer Nuestra Senora de Regla, &c. Final decree. Beebe & Donohue, proctors for cla'm't. Filed the fourteenth day of March, 1879.

569 U. S. district court, southern district of New York.

THE UNITED STATES, LIBELLANT,
*against*
THE STEAMER NUESTRA SENORA DEL REGLA, her tackle, &c.

Take notice that the United States, the above named libellant, appeals to the Supreme Court of the United States from the final decree made and entered in the above-entitled cause on the 14th day of March, 1879.

Dated New York, March 14th, 1879.

STEWART L. WOODFORD,
*U. S. Attorney.*

To SAMUEL H. LYMAN, Esq.,
*Clerk U. S. District Court.*
BEEBE & DONOHUE,
*Proctors for Claimant.*

(Indorsed:) In prize. 17, 187. 256. U. S. district court, southern dist. of New York. The United States vs. The Steamer Nuestra Se-

nora del Regla, her tackle, &c. Notice of appeal. Stewart L. Woodford, U. S. att'y. Filed March 14th, '79.

570 Supreme Court of the United States.

THE UNITED STATES OF AMERICA, appellant & libellant,
*against*
THE STEAMER NUESTRA SENORA DE REGLA, her tackle, &c., La Compania del Ferro Carrel de la Bahia de la Habana a Matanzas, claimant & appellee.

To the Supreme Court of the United States:

The appeal of the above-named appellant respectfully shows to the court that on or about the 9th day of June, 1862, the above-named libellant, the United States of America, exhibited its libel in the district court of the United States for the southern district of New York, against the Steamer Nuestra Senora de Regla, her boilers, engines, tackle, apparel, and furniture, claiming the forfeiture of said vessel. Said libel was filed by the district attorney on behalf of the United States, and so called naval captors in interest; but there never were any naval captors in interest, as the capture was made by land forces.

That process was issued out of the said district court, and the
571 vessel was seized under such process. The claimant of the vessel filed an answer to the said libel. The captors of the said vessel never intervened or became parties to the cause in any way.

Such proceedings were thereafter had, that on or about the 20th day of June, 1863, a decree of the said district court was made, whereby the said vessel was released, and the question of costs and damages was especially reserved for future hearing & determination. Said question never was heard or determined, but without any such hearing or determination it was referred to Geo. F. Betts, the then clerk of the said court, as referee, to ascertain and report the amount of damages sustained by the owners of the said vessel by reason of her seizure & detention. And the said referee did, on the 19th day of May, 1871, file his report, wherein he reported that there was due to the owners of the said vessel, as damages as aforesaid sustained by them, the sum of two hundred and fourteen thousand eight hundred and eighty-four dollars ($214,884.00).

572 The libellant duly filed exceptions to the said report, and said exceptions were by the court overruled; and on the 18th day of October, 1871, the court made a final decree confirming the said report, and awarding judgment against the United States in favor of the claimants for the sum of two hundred and twenty thousand nine hundred and seventy $\frac{54}{100}$ dollars ($220,970$\frac{54}{100}$.)

The libellant duly appealed from the said decree to the Supreme Court of the United States, and said Supreme Court reversed the said decree and remanded the cause to the said district court for further proceedings. Thereupon the said district court, without any hearing or determination of the question as to whether any costs or damages should be allowed, which question had been reserved as aforesaid in the interlocutory decree of June 20th, 1863, again made an order of reference to said Geo. F. Betts to assess the damages sustained by the claimant by reason of the seizure and detention of said vessel.

Afterwards and on the 13th day of March, 1877, said referee filed his report under said second order of reference, & therein assessed
573 claimant's damages at the sum of two hundred and fifty-two thousand five hundred and twenty-seven dollars ($252,527.) Libellant duly filed exceptions to said second report, but said exceptions were by the court overruled, and said report was in all things confirmed.

And afterwards, on the 14th day of March, 1879, a final decree was entered in the cause awarding damages to the claimant against the United States, the libellants, for the said sum of two hundred & fifty-two thousand five hundred & twenty-seven dollars ($252,527), with interest thereon from June 10, 1875, the date of said report, to said 14th day of March, 1879, amounting to fifty-six thousand four hundred and five $\frac{38}{100}$ dollars ($56,405.38), amounting in the aggregate to the sum of three hundred & eight thousand nine hundred & thirty-two $\frac{38}{100}$ dollars ($308,932.38.)

And the said libellant and appellant is advised and insists that the said final decree is erroneous, inasmuch as the claimant's right to recover any damages which was reserved in the said decree of June 20th,
574 1863, has never been adjudicated; and inasmuch as no decree can be rendered directly against the United States in any court of the United States, and the court was without jurisdiction to make such a decree; and inasmuch as the owners of the vessel are not entitled to the amount awarded them by the said final decree, but the said amount is grossly excessive & very many times more than the total value of said vessel, and the said referee in making his said report allowed damages to the owners of the said vessel for amounts alleged by them to be due from the United States under an alleged or pretended charter party, and the said referee had before him no competent testimony whatever of the actual value of the services of the said vessel to her owners in her usual and customary employment.

And this appellant for these and other reasons appearing appeals from the said final decree, and from each and every part thereof, and from the whole thereof, to the next Supreme Court of the United States, to be held in the city of Washington; and on the said appeal it
575 intends only to have the said cause heard anew on the same pleadings, proofs, and proceedings as in the said district court, and it prays that the said final decree and each and every part thereof may be reversed with costs, or such other decree made in the premises as to the said Supreme Court shall seem just, and that the said steamer Nuestra Senora de Regla may be condemned to pay to this appellant its costs and damages in the premises.

And it prays that the record and proceedings may be returned to the Supreme Court, and that the said decree may be reversed, or such other decree thereon be made as to the said Supreme Court shall seem just, and that the appellee may be condemned to pay to this appellant its costs and damages in the premises.

Dated New York, March 21st, 1879.

STEWART L. WOODFORD,
*U. S. Attorney.*

576 SOUTHERN DISTRICT OF NEW YORK,
*City & County of New York, ss:*

Charles R. Chubbuck, being duly sworn, says that on the 22nd day of March, 1879, he served a copy of the foregoing petition of appeal on Beebe & Donohue, proctors for the claimant, by delivering said copy to and leaving it with a clerk at and in charge of the office of said proctors,

said proctors being absent from the office at the time. Deponent further says that he is over 18 years of age.

CHARLES R. CHUBBUCK.

Sworn to before me this 22d day of March, 1879.

SUTHERLAND TENNY,
*Notary Public, in & for the City & County of New York, in said District.*

We hereby admit due and timely service of a copy of the within petition of appeal.

Dated New York, March 22d, '79.

*Proctors for Claimant & Appellee.*

(Indorsed:) Supreme Court of the United States. 17, 256. The United States vs. The steamer Nuestra Senora de Regla. Petition of appeal & aff't of service. Stewart L. Woodford, U. S. attorney. Filed March 22d, '79.

577 By the Hon. Morrison R. Waite, the Chief Justice of the Supreme Court of the United States.

Whereas the United States, libellant of the steamer Nuestra Senora del Regla, her tackle, &c., have lately appealed to the Supreme Court of the United States from a decree lately rendered in the district court of the United States for the southern district of New York, in the second circuit, made against the said United States in favor of the Compagnia del Ferro Carrel de la Bahia de la Havana, a Matanzas, claimants of the said vessel, and no security being required on an appeal by the United States in such proceedings, you are therefore hereby cited to appear before the said Supreme Court at the city of Washington, on the 13th day of October, 1879, to do and receive what may appertain to justice to be done in the premises.

578 Given under my hand at the city of Washington, the 25th day of March, 1879.

M. R. WAITE,
*Chief Justice Sup. Court U. S.*

To La Compagnia del Ferro Carrel de la Bahia de la Havana, a Matanzas,
*Claimants of said steamer.*

Beebe & Donohue,
*Proctors for Claimants.*

Due & timely service of this citation is hereby admitted.

N. Y., Mar. 29, 1879.

BEEBE & DONOHUE,
*Proctors for Claimant.*

(Indorsed:) In prize. U. S. Supreme Court. 17, 256. The United States vs. The Steamer Nuestra Senora del Regla, her tackle, &c. Citation on appeal. S. L. Woodford, U. S. att'y. Filed Sept. 23d, 1879.

(Indorsement on cover:) No. 717. The United States, appellants, vs. The Steamer Nuestra Senora de Regla, her tackle, &c., La Compagnia del Ferro Carrel de la Bahia de la Habana, a Matanzas, claimant. S. New York D. C. U. S. Filed 11th December, 1879.

108-92

SUPREME COURT, U.S.
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# United States Supreme Court.

October Term, 1882.

## No. 159.

THE UNITED STATES,
*Appellant.*

*vs.*

THE STEAMER NUESTRA SENORA DE REGLA,
*Her tackle, &c., &c.*

**Brief for the United States.**

WM. A. MAURY,
*Assistant Attorney General.*

R. O. POLKINHORN, PRINTER, WASHINGTON, D. C.

# UNITED STATES SUPREME COURT.

October Term, 1882.

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| THE UNITED STATES, *Appellant* | |
| *vs.* | No. 159. |
| THE STEAMER NUESTRA SENORA DE REGLA, *her tackle, &c., &c.* | |

## Brief for the United States.

This is an appeal from the decree of the U. S. District Court for the Southern District of New York, sitting as a Prize Court, awarding damages against the United States to the amount of $252,527 with interest, making, in all, the sum of $308,932.38. (R., p. 181.)

This cause has been here before, but its imperfect presentation in the transcript on the former appeal and the summary disposition of it then with a grave suggestion from the Court that it might be dealt with more properly by diplomacy than by the judicial department of the Government, make it necessary, now that that suggestion has not been followed with effect and the cause is here on a full record, to deal with it as though it were on hearing for the first time.

The Nuestra Senora was built at New York for a Spanish corporation having its *habitat* in Havana, and was captured in November, 1862, on her way from New York to Havana.

Becoming disabled in her machinery when off the coast of South Carolina, as it is alleged, she put into the port of Georgetown for repairs. Again in a seaworthy condition, she put to sea, making for the blockading squadron off Charleston with the view of getting a supply of coal, of which she had run short, and was sent to Port Royal for that purpose by the Commander of the fleet.

While lying at Port Royal she was boarded by the Provost Marshal and a detail of soldiers, and seized by order of General T. W. Sherman as a prize of war, (R., pp. 44. 47, and depos. *in preparatorio*, pp. 5 to 43.) the navy having no hand whatever in the seizure.

The ground of seizure was that the vessel was clandestinely carrying despatches of the enemy.

It turned out on examination, as suspected, that there was concealed in the vessel a mass of correspondence, which had been taken aboard while she lay at Georgetown, South Carolina, and the evidence shows that the captain knew the correspondence was concealed there, and had provided for the destruction of a part of it, at least, in case of visitation from a Federal cruiser.

The Nuestra Senora was immediately taken into the service of the United States under a charter party, (Rec., pp. 9, 10,) and not libelled for condemnation until 9th June, 1862.

On the 22d August, 1862, the Court, at the instance of the United States, entered an order directing that the vessel should be delivered to the Navy Department, for the use of the Government, upon filing in court a certificate of the Assistant Treasurer of the United States in New York that the amount of the appraisement of the vessel had been deposited in the United States Treasury subject to the order of the Court on final decree in the cause. (R., p. 147.)

The vessel, however, was delivered to the United States *without the deposit of the certificate*, as required by the said order of court, and has never been restored to her owners.

On the 20th June, 1863, the Court entered a decree of restitution. (R., p. 145.)

On the 15th October, 1863, further proceedings in the cause were stayed, by consent, to the end that the question of damages might be adjusted by negotiation between Spain and the United States. (R., p. 143.)

In consequence of the action of the State Department referring the claimants of the vessel to the court "to obtain such further relief as justice may demand," (R., p. 170,) the cause was, on their motion referred to George F. Betts, Esq., one of the commissioners of the court, to ascertain the damages sustained by the claimants in consequence of the seizure of the said vessel, by an order entered on 2d June, 1870. (R., p. 146.)

On 19th May, 1871, the Commissioner filed his report, awarding the claimants $214,884 (R., p. 150);

to which report the libellant filed several exceptions. (R., p. 151.)

On 28th October, 1871, the Commissioner's report was in all things confirmed by the Court, and a decree entered for the amount named in the report, with interest, *against the libellants and captors.* (R., pp. 151–2.)

This decree was appealed from, and the appeal was heard by this Court at the December Term, 1872.

For some reason, not readily understood, this appeal was heard on a transcript from which were *omitted* all the depositions *in preparatorio*, so that this Court could neither pass upon the validity of the seizure, nor determine whether it was made with probable cause or not. In a word, if the Court had had jurisdiction of the captors, it could not have adjudged the question of damages in the then condition of the record.

The decree was reversed with a pointed intimation that the case was "more properly a subject of diplomatic adjustment than of determination by the courts." Still, the cause was "remanded for further proceedings." (17th Wall., 31–2.)

Accordingly, the cause was again referred to the *same* Commissioner to assess the damages, *de novo.* (R. pp. 155–6.)

On 13th March, 1877, the Commissioner filed a new report, assessing claimant's damages. (R. pp. 156–7.)

To this report the libellants filed exceptions. (R. pp. 179, 180.)

On 8th March, 1879, the said exceptions were overruled, and the report in all things confirmed, and a decree entered against the libellants for the sum of $308,932.38. (R. p. 181.)

From this decree an appeal was duly taken to this court.

The exceptions filed by the libellants to the Commissioner's Report are as follows:

1. Because the said Commissioner finds that the said steamer above named was seized as prize of war by the officers of the United States on the 29th day of November, 1861.

2. Because the said Commissioner, in his report, allows damages for the detention in these proceedings of the said steamer for a period prior to the libelling of said steamer, and while, as appears from the evidence herein, the said steamer was employed under a charter to the United States.

3. Because the said Commissioner, in his said report, allows damages for the detention of said steamer at the rate of two hundred dollars per diem, which the libellant claims to be excessive, and far beyond the value of the service of said steamer to her owners.

4. Because the said Commissioner, notwithstanding the fact that a decree of restitution was made herein, and the said vessel ordered to be restored to her owners, and that there is no evidence to show that the said vessel was lost or destroyed during the time

of her detention, under the libel herein, has allowed to the claimants over and above the amount allowed as damages for such detention, the full value of said vessel as additional damages.

5. Because the amount so allowed, as last aforesaid, for the value of said vessel is largely in excess of the amount of such value, as proved by the evidence herein. (R. pp. 179, 180.)

**Specifications of Grounds of Appeal.**

1. The Nuestra Senora was a lawful prize of war, and should have been so decreed.

2. If the decree of restitution is valid there was no ground for decreeing damages against the captors, there being probable cause for the seizure.

3. Supposing the cause to be one in which damages could be decreed, it was beyond the jurisdiction of the court to enter a decree for that purpose without having the captors before it, they being the only parties against whom such a decree could be entered.

4. That the decree against the United States for the cost of the vessel, and damages is utterly null and void, being outside the commission of the court.

5. That it was error to decree damages in the nature of demurrage against the captors, seeing that the facts on which said allowance was founded, being the acts of Government, are not referrible to the capture as their proximate cause.

6. That if, as the claimants contend, the vessel was used by the United States under the terms of a charter party almost from the day of her seizure until the day she was taken to New York for adjudication, it was error to decree demurrage for the period covered by the charter party, the obligation of the United States, if any, arising *ex contractu*, and the proper proceeding being on the contract of charter party.

7. That it was error to allow the claimants demurrage subsequent to the 22d August, 1862, when the United States took the said vessel at her appraised value, and from which time the United States was to be regarded as a purchaser liable for the value of the vessel, and no more; or as having tortiously converted the vessel to its own use with the liability to respond in damages to the extent of the value of the thing converted, at the time of conversion.

**First Point.**

Supposing that a sufficient excuse existed for running into the blockaded port of Georgetown, which is by no means clear, (*Vide* Test. *in Prep. Dep.*, John J. Hawkins, Engineer, Int. 12, Rec., p. 16), there could have been no excuse for sailing out of that port with commercial and hostile correspondence of the enemy aboard.

Seeing that "the object of a blockade is to prevent *exports* as well as imports, and to *cut off all communication of commerce* with the blockaded place," (3 Phill., Int. L., p. 383,) the master of the Nuestra Senora

was under the highest duty to see to it that his vessel brought nothing out of the haven, in which she had taken refuge, that was inconsistent with the strictest neutrality.

He cannot be heard to allege ignorance of the contents of any document put on board of his vessel in the enemy's country, with his consent. (Wheaton on Captures, p. 189.)

The documents inculpating the vessel are to be found, principally, in pages 50 to 72 of the record.

The evidence is irresistible that the master of the Nuestra Senora knew that he was violating the blockade in having the documents in question on board. (Rec., pp. 30, 31, 33, 35, 44 to 47.)

Aside from the violation of the blockade, it would seem to have been a clear breach of neutrality to have on board the letter from the Confederate Chief Ordnance Officer ordering a large quantity of munitions of war to be purchased abroad, (Rec., pp. 56, 57 ;) and the letter from the Confederate Secretary of the Treasury, C. C. Memminger, giving *assurances, to be used abroad*, that vessels bringing, "*from a neutral army supplies and other important goods for the use of the Confederacy*," could always get *a return cargo of cotton.* (R., p. 57.)

It is submitted that such despatches are contraband of war and of themselves constitute a valid ground for capture and condemnation.

Before leaving this point we would advert to the freedom with which the learned counsel for the claimants animadverts upon what he is pleased to call the

aggravating circumstances connected with the capture of this steamer, and would remind him that the conduct of the steamer in allowing herself to become clandestinely a vehicle of the enemy was an ungenerous and inexcusable abuse of the hospitality extended to her by the blockading squadron, and amounted to a breach of neutrality of peculiar aggravation.

Whether there was ground for the steamer's condemnation or not, it is not easy to comprehend how any one can deny that the captors had abundant probable cause for the seizure.

It is said, however, with great confidence, that this Court reviews on this appeal only that part of the proceedings in the cause which took place after the decree entered by the District Court in obedience to the mandate of this Court.

Undoubtedly that is the general rule, but we deny its applicability in this cause, for that the opinion of the Court on the first appeal pointedly avoids the adjudication of every question presented by the record saving the item of counsel fees, because it might "*be well doubted whether it is not more properly a subject of diplomatic adjustment than of determination by the Court.*"

And to make it still clearer that nothing was determined or intended to be determined on the first appeal except that it was improper to have allowed any counsel fees at all, the reporter says in his statement

of the case that it is unnecessary to specify the Government's exceptions to the Commissioner's report, *as none of them was passed upon by the court.* (17 Wall., p. 30.)

For error in the article of this comparatively insignificant item of counsel fees, the decree was reversed *in omnibus*, to the end, no doubt, that if the suggestion of the court that the cause was one for diplomatic rather than judicial action should be followed, the United States might not be embarrassed in a negotiation with Spain by anything said or done by the judicial department of the Government.

And if it was true then that the cause was "more properly a subject of diplomatic adjustment than of determination by the courts," it is no less true *now*, and must continue to be true until this court condemns the vessel as prize of war or relegates the question of damages to the Executive Department of the Government.

As to the question of prize *vel non*, it was not and could not have been adjudicated on the first appeal, for the sufficient reason that *all* the testimony *in preparatorio* was left out of the transcript on which that appeal was heard. 'Tis true that the court in its opinion said it was clear the vessel was not lawful prize of war or subject to capture, but, manifestly, this was *gratis dictum*, founded not on *data* proper for judicial action, but on what had fallen from counsel *arguendo*, and been allowed to pass unchallenged.

This court cannot be concluded on a second appeal by an expression of opinion on a first appeal as to a

question which was not presented in the then condition of the record.

5 How., 382, *United States* vs. *Bank of the United States.*

Again, it may be asked if the omission of counsel representing the Government to bring before this Court on the first appeal the question of the validity of the seizure of the Nuestra Senora does not fall within the principle that the Government cannot be prejudiced by the negligences and omissions of its officers, and if it does not therefore follow that the cause, being here again upon a full record, may be re-examined and reviewed as to all questions presented?

Although this Court may *now* see that the steamer was a lawful prize, and should have been so adjudged, it may be inquired if the omission of the officers of Government to bring on the hearing of the first appeal upon a transcript presenting the question of prize or no prize has had the effect of foreclosing the United States as to all right or title to confiscate the said vessel?

**Second Point.**

Supposing the decree of restitution to be valid, the claimants cannot entitle themselves to a decree for costs and damages without showing a want of probable cause for the capture, and such a decree could be rendered against *the captors only*, and not against the sovereign to whose benefit the capture enured.

In view of the definition of probable cause given by this court, namely, that it imports a seizure "*made under circumstances which warrant suspicion*" (7 Cranch, 339, *Locke* vs. *U. S.*, 3 Wall., 162, The Thompson), it would seem clear that no foundation exists for a decree against the captors, the evidence against the vessel, to say the least, amounting to much more than suspicion.

**Third Point.**

Conceding now, *argumenti gratia*, that the case is one for damages, the court had no jurisdiction to enter a decree for damages in the absence of the captors, who should have been brought before the court.

The only question that could be litigated under the original libel was that of prize or no prize, wherefore, in case of a sentence of restitution, the only procedure by which damages and costs can be decreed ordinarily against the captors is by the *reconventio*, or its equivalent, for it must be in this way that the indispensable requirement of bringing the actual wrongdoer before the Court is usually gratified (3 Phill. Int. L. 579). Said Judge Betts, in his opinion in the case of The Louisa Agnes (Blatch. Pr. Cas. p. 115:) "A solemn monition may be directed to those using the authority of the government in seizing property at sea, compelling them to respond before the court to parties aggrieved by their acts for every wrongful use of the authority confided to them; and thus, by pleas and

allegations, the special grievances will be specifically charged and contested before the court, and the evidence pertinent to the contestation can thus be collected and laid before the court on both sides," citing The Eleanor, 2 Wh. 345, and The Magnus, 1 Ch. Rob., 31.

Condemnation or restitution may be, and generally is, decreed upon the evidence *in preparatorio*, but it would be against natural justice to decree costs and damages against the captors on the claimant's *ex parte* evidence, The captors must have an opportunity to produce evidence; and it is not only just but eminently politic that it should be so, for, as Dr. Lushington said in the case of The Leucade (2 Spinks' Eccl. & Adm. R., p. 228, cited in Roberts' Adm. & Pr., p. 541), "if, upon claimant's evidence alone, a cruiser would be condemned in costs and damages, *will any man rationally expect a blockade would be adequately enforced?*" And this eminent authority says in the same case, "It appears to me that to subject the captors to costs and damages, without giving them the opportunity of explanation, would, at least, savor of injustice," cited, *ut supra.*

Undoubtedly the counsel for the United States represents also the captors in every libel for prize, where they have an interest in prize, and *for the sole purpose of condemnation*, but after a decree of restitution and upon a claim for damages and costs against the captors, they must be brought into court by a monition, unless they voluntarily appear *ad hoc*, for the

attorney for the Government has no authority to represent them at this new stage of the proceedings.

But the peculiar circumstances of the case at bar would seem to require a new and plenary suit by the claimants to recover damages and costs from the captors, for as these latter, *being soldiers*, could not join the United States in the libel for condemnation, having no interest whatever in the prize *as captors* (The Siren, 13 Wall., p. 395), the procedure of the *reconventio* would not have been applicable.

We do not say that such a suit may not be brought in the Prize Court; on the contrary, we incline to think it may (*The Siren*, 7 Wall., 152).

**Fourth Point.**

The decree rendered by the court below for costs and damages was necessarily against the United States, it being the only *actor* in the prize proceeding. But no valid decree could be rendered against the United States, the court being wholly without jurisdiction in the premises, (*Case* vs. *Terrell*, 11 Wall., 200), and nobody having authority to submit the interests of the United States to the Court *for any purpose whatsoever*.

**Fifth Point.**

Supposing the Court below to have had jurisdiction to decree damages against the captors, it was

against natural justice to give damages as demurrage against them, the conditions on which such allowance of damages was founded being the acts of government in taking possession of and using said steamer, which acts are in no sort referrible to the capture as their proximate cause.

**Sixth Point.**

The Court below had no authority to award damages for the period covered by the charter party.

Whatever was demandable for the use of the vessel under the charter party might have been recovered, perhaps, by a suit in the Court of Claims. Certainly admiralty had no jurisdiction of the matter, either on the Prize or Instance side of the court.

**Seventh Point.**

It was manifest error to allow demurrage after the 22d of August, 1862, when or about which time the United States took the steamer at her appraised value, and from which time the United States is to be regarded as a purchaser, liable only for the value of the steamer, with interest thereon to the day of payment.

It is respectfully submitted that the decree of restitution and the decree against the United States for the value of the Nuestra Senora and damages for her detention are erroneous and should be reversed and the said vessel condemned as a lawful prize of war.

WM. A. MAURY,
*Assistant Attorney-General.*

108-92

OFFICE SUPREME COURT U.S.
FILED
JAN 8 1883
JAMES H. McKENNEY, Clerk

SUPREME COURT OF THE UNITED STATES.

**October Term, 1882.—No. 159.**

THE UNITED STATES,

*Appellant,*

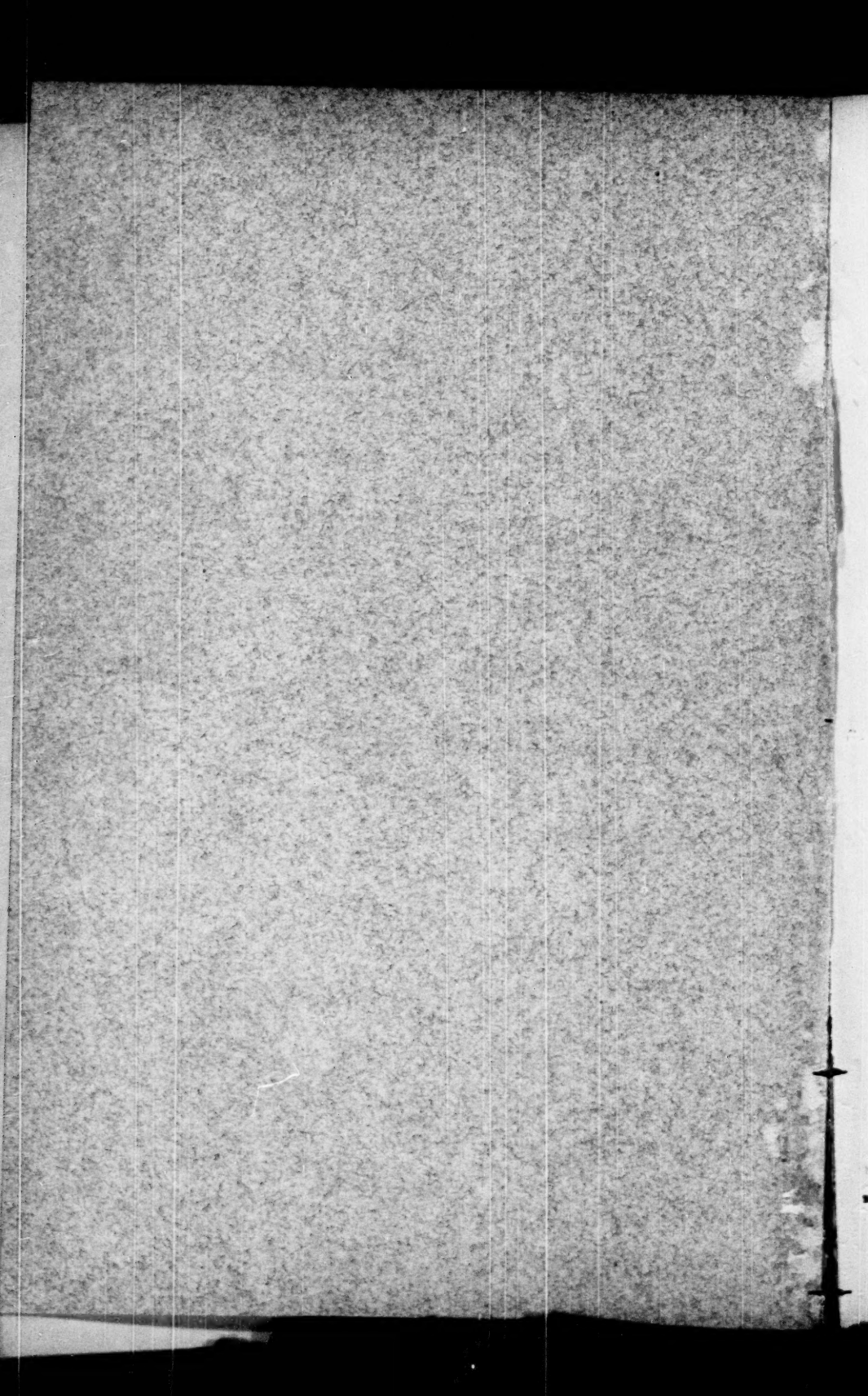
*vs.*

THE STEAMER NUESTRA SEÑORA DE REGLA, HER TACKLE, &c., LA COMPAGÑIA DEL FERRO CARREL DE LA BAHIA DE LA HABANA A MATANZAS,

*Claimants and Appellees.*

# BRIEF FOR APPELLEES.

WILLIAM ALLEN BUTLER,
*Advocate.*



# Supreme Court of the United States.

THE UNITED STATES,
*Appellant,*

*vs.*

THE STEAMER NUESTRA SENORA DE REGLA, her Tackle, &c., La Compagnia del Ferro Carrel de la Bahia de la Habana a Matanzas,
*Claimants and Appellees.*

*October Term*, 1882.
*No.* 159.

## BRIEF FOR APPELLEES.

### Statement of the Case.

This cause comes before this court upon an appeal taken by the United States from a final decree entered in the District Court of the United States for the Southern District of New York, sitting as a Prize Court, March 14, 1879, awarding damages to the claimants, against the United States, for the sum of $252,527, with interest from June 10, 1875, making an aggregate sum of $308,932.38.

*Decree, Rec., p.* 181.

The claimants, a railroad company in Cuba, created by the laws of Spain, were engaged in 1860 in building a railroad from the Bay of Havana to Matanzas. The route required the crossing the Bay of Havana to Regla, where the railroad track began, by means of a steam ferry-boat. (*Lentilhon, Rec., p.* 158.) The company contracted in the City of New York for the building of such a boat. The vessel was built, finished and paid for in full, and on November 6, 1861, was delivered to the agent of the railroad company in New York. (*Id.*) She was called the *Nuestra Senora de Regla.* She sailed from New York for Havana in the charge and under the command of Ignatio A. Reynals, a Spanish subject, as a Spanish vessel. Stress of weather compelled the vessel to put back to New York. She started again, but was driven on and over Ocracoke Bar, remaining inside about twenty-four hours, when she resumed the voyage, but encountered continuous bad weather, and, having broken some of her machinery, she stopped off the port of Georgetown, South Carolina, and there sent a boat ashore for necessary repairs.

She was then seized by Confederate troops, and taken to Georgetown, but released, on the intervention of the Spanish Consul, and continued on her voyage. Being in want of coal, she proceeded to the United States steamer *Susquehanna*, off Charleston, S. C., reported to her, and requested permission to go to Port Royal, which was granted, the flag officer putting some prisoners, taken by the United States, on board, to be taken to Port Royal. The vessel proceeded to Port Royal, delivered the prisoners to the officer in charge, and was supplied with coal. The vessel was then seized by the United States as prize of war, after an offer made by the United States Quartermaster to buy her had been declined by the master.

*Claim and Test Oath, Rec., pp.* 3, 4.

The seizure was on November 29, 1869.

*Reynals, Rec., pp.* 158, 159.

*Libel, p.* 1.

Captain Reynals, in his evidence before the commissioner,

on the reference to assess damages, tells the whole story in simple and concise language. He testified:

"I took my papers, and went and presented myself to "Commodore Dupont; he examined my papers; I stated "my misfortunes, and that I was in need of assistance; "he told me to make a list of everything I needed, and he "would assist me, so that I could proceed; I made a list, "and he assisted me by furnishing coal; I told him I had "a letter and seven prisoners, which I delivered; this was "on the 26th; on the 27th November I commenced to "take coal, and, on the 28th, took coal and stores; on the "29th, the weather being bad, commenced to drag; we "were then taken by a Government boat down to Hilton "Head, close to the beach; the next thing was, the vessel "was captured; while we lay there the quartermaster of "the United States forces came, and wanted to purchase "the vessel; I refused to sell, as I had no authority, and "the next day we were seized; the vessel was detained, "and about the 11th December they wanted to charter "the boat, and I signed a charter-party, which I now "produce" (*Rec-, p.* 160).

By the charter-party the *United States were* to pay for the use of the *Nuestra Senora* at the rate of $200 per day "for each and every day the said boat may be kept in the "service," the master of the vessel agreeing to keep her staunch, sound and strong, and the machinery in good running order and condition. The charter-party agreement contained this provision :

"It is understood by the parties to this agreement that "in case the said steam ferry-boat shall be confiscated to "the United States, then this contract shall be void ; other- "wise to remain in full force and virtue."

*See Charter Party, Rec., p.* 159.

By express stipulation in the Treaty between the United States and Spain of 1795 the vessel was exempt from seizure or detention for any military expedition or other public purpose whatever, and the United States was bound to permit her departure from a port of distress.

*Treaty of* 1795, 8 *U. S. Stats. at Large, p.* 138, *post p.* 22.

On January 29, 1862, the *Nuestra Senora* was turned over to Flag Officer S. F. Dupont, of the United States Navy, commanding at Port Royal, who kept her in the service until, after repeated requests and protests on the part of the Spanish Government, she was finally, in June, 1862, sent to New York, where, upon her arrival, proceedings in prize were instituted by the United States.

*See Libel, filed June* 9, 1862, *Rec., p.* 1.
*Claim and Test Oath, p.* 3.

The railroad company by their claim set forth that they were subjects of the Queen of Spain, and were the true and only owners of the vessel, and were entitled to a return of her, with damages for her detention, &c.

*Claim, filed July* 9, 1862, *Rec., p.* 3, *p.* 5.

On August 22, 1862, on motion of the United States District Attorney, and on a letter of the Secretary of the Navy, stating that "the Navy Department desires to ob-" tain possession of the steamer *Nuestra Senora de Regla*," the District Court made an order :

" That the steamer be appraised, and that she be there-
" after delivered to the Navy Department for the use of
" the Government, upon filing in court a certificate of the
" Assistant Treasurer of the United States, in New York,
" that the amount of the appraisement has been deposited
" in the United States Treasury, subject to the order and
" disposal of the court on final decree in the case."

*Order, Rec., p.* 147.

Pursuant to the above order, an appraisement was made by two officers of the Navy Department, by which the value of the vessel at that time, "for the use of the Navy Department," was reported to be $28,000.

*Rec., p.* 149.

Mr. John Englis, a third appraiser, fixed her value at $30,000.

*Rec., p.* 160.

The original cost of the vessel was $50,000 and upwards.
*Rec., p.* 161.

Notwithstanding the order of the District Court, and in direct violation thereof, the United States took possession of the *Nuestra Senora*, without making the deposit required by the order, and no deposit has ever been made.
*Rec., p.* 161.

Testimony *in preparatorio* was taken, and the proceedings in prize were continued until hearing, after which, and on June 20, 1863, a decree was made as follows :

" This cause having been heard on the libel, the testi-
" mony taken *in preparatorio*, and the papers found on
" board the captured steamer, and due deliberation having
" being had thereon, and *it appearing to the court that the*
" *evidence herein discloses no sufficient ground for a decree*
" *of condemnation* of the captured property;
" Now, on motion of Messrs. Beebe, Dean & Donohue,
" proctors for the claimant herein, it is
" ORDERED, ADJUDGED, AND DECREED, that the steamer
" *Nuestra Senora de Regla*, her tackle, etc., be restored to
" the claimants; and it is further
" ORDERED, that the question of costs of this adjudica-
" tion *and of the damages resulting from the capture be*
" *reserved* for future hearing and determination."
*Decree, Rec., p.* 145.

Captain Reynals remained in New York, awaiting a return of the vessel, until two or three months after the above decree of restitution. The claimants took no steps to replace the boat by another, expecting her restoration to them. The boat's being in the government employ was the sole reason assigned for her non-restoration.
*Rec., p.* 161.

On October 15, 1863, the following order was made by the District Court, upon the admission and assent of the United States District Attorney recited therein :

" It having been mutually agreed between the counsel for

"the respective parties, that the said vessel, in the above "decision, was immediately taken into the possession and "use of the United States, under a charter party, and "delivered them thereunder, and so remained without "molestation from the claimants; On motion of the "counsel for the vessel, and with the assent of the United "States Attorney, it is ordered by the court that further "proceedings and litigation be stayed in the above cause, "to the end that all questions of damages reserved in the "decision of the court in the term of June last may be "considered and adjusted by the Government of the "United States on the application, and with the concur-"rence of the Government of Spain."

*Rec., p.* 145.

While this stay of proceedings continued, and in conformity with the ground on which it was made, the question of damages was the subject of negotiation and correspondence between the Spanish Minister and the Department of State.

President Johnson, in a special message to Congress in February, 1868, called attention to the claim, and recommended payment of the value of the vessel and informal arbitration between the governments of the United States and Spain as to the damages.

Beyond reference to a committee nothing was done by Congress.

*Diplomatic Correspondence*, 1867–1868, *vol.* 9, *No.* 89.

On May 20, 1870, the acting Secretary of State addressed a communication to the Spanish Minister, which appears on page 170 of the Record, in which, after reciting the proceedings in the District Court, he says:

"Without referring to the reasons which have so long "delayed any arrangement between the two Governments, "I have now to say, that it will be most satisfactory to "the Government that the parties interested should apply "to the Court, which still retains jurisdiction of the case, "to obtain such further relief as justice may demand, and

" in the mode which that tribunal shall deem most proper " and convenient."

* * *

" J. C. BANCROFT DAVIS,
" *Acting Secretary of State.*"

Immediately after this action by the State Department, and in conformity with the expressed desire of the Government, application was made to the District Court, and on June 2, 1870, an order of reference was made to a commissioner of the court, on the motion of the claimants' counsel, the United States appearing and assenting, to ascertain the damages sustained by the claimants, " by " reason of the seizure and detention of the said steamer."

*Order of Reference, Rec., p.* 146.

The reference proceeded before the commissioner, and testimony was taken on behalf of the United States and the claimants (*Rec. p.* 150). The commissioner, by his report, dated May 10, 1871, found the facts as above stated, and that the vessel was detained in the service of the United States, and in possession of the Marshal, from November 29, 1861, up to and including June 20, 1863, being 568 days, and that the fair value of the use of the vessel during that time, with interest at six *per cent.* per annum to the date of the report, was..... $167,370 66⅔

He also found the claimants entitled to recover

| | |
|---|---|
| for expenses and services of claimants' agent in remaining with and attendance to said vessel..... | 5,680 00 |
| For counsel fee in defending the proceeding.. | 5,000 00 |
| For the value of the vessel when she should have been restored, with interest..... | 36,833 33⅓ |
| | $214,884 00 |

*Report, Rec., p.* 150.

The United States excepted to the report.

*Exceptions, Rec., p.* 151.

The exceptions were overruled by the District Court, and a decree was entered in favor of the claimants for the amount reported, with interest, October 28, 1871.

*Decree, Rec., p.* 151.

From this decree an appeal was taken to this court, and the cause was argued at December Term, 1872.

*The Nuestra Senora de Regla*, 17 Wall., 29.

A motion to dismiss had been made on the ground that the appeal was too late. *After the argument of the cause*, Congress, on March 3, 1873, by Section 2 of the Naval Appropriation Act (17 *U. S. Stats.*, 556), provided for an allowance of appeal in terms covering this case, and *under this section the appeal was allowed* (17 Wall., p. 31).

It appears by the report of the case, that the questions argued were:

1st. Whether the court had jurisdiction?

2d. If it had, how the case stood on the merits?

The whole text of the opinion of the court pertinent to the present appeal is as follows:

"The decree of the District Court included the sum of "$5,000 for counsel fees. We think that the amount was "greatly excessive, and the allowance of counsel fees "wholly unwarranted. It is clear that the vessel was not "lawful prize of war or subject of capture, and the corpo- "ration which owned her is doubtless entitled to fair "indemnity for the losses sustained by the seizure and "employment of the vessel; but it may be well doubted "whether it is not more properly a subject of diplomatic "adjustment than of determination by the courts.

"For the errors in the decree already indicated, it is re- "versed, and the cause is remanded for further proceed- "ings."

On the mandate, and on motion of claimants' counsel, the cause was referred by the District Court to a commissioner to assess the claimants' damages, by order made July 22, 1873.

*Rec., p.* 155.

On the second reference, evidence was given on the part of the claimants of the fact of the seizure of the *Nuestra Senora* as above narrated, the making of the charter-party by the United States, the detention of the vessel in the Government service and by the Marshal, and the appropriation of her by the Government, in violation of the order of the court, and without payment or deposit.

*See Testimony before Commissioners, Rec., pp.* 157–163. *N. B., at fol.* 505, *p.* 161, *the word "deficite" should be "deposit."*

New evidence was given on the question of damages.

The claimants proved by Mr. Nathaniel L. McCready, President of the Old Dominion Steamship Company, a shipping merchant of upwards of thirty years' standing, and an expert on the subject, that the *Nuestra Senora* was worth, at the time of the making of the charter at Port Royal, for Government use, from $200 to $300 per day.

"QUESTION. From the breaking out of the rebellion "were you engaged more or less in chartering ships and "vessels of all classes to the United States Government.

"ANSWER. I was.

"QUESTION. A vessel built for a ferry-boat in the latter "part of 1861, being of the burthen of 339½ tons measure-"ment, at Port Royal, where the Government desired to "use her—what would have been a fair price for that ves-"sel, or the rate at which the Government were charter-"ing vessels at or about that time?

"ANSWER. A ferry-boat of 339½ tons register was worth "at that time from $200 to $300 per day, and all toll and "port charges paid by the United States Government."

*Record, p.* 162, *fols.* 507–608.

The claimants also proved by a shipbroker that the usual and ordinary charge of a person to look after and attend to the affairs of a vessel in distress would be $10 per day and expenses.

*Testimony of Young, Rec., p.* 158.

The claimants also proved, without objection, the appraisement of the vessel at $30,000 (*Rec., p.* 158), and

proved the actual cost of the vessel (*Judge Donohue's testimony, p.* 161).

On the part of the United States, no evidence was offered to contradict the testimony of Mr. McCready or of the shipbroker, Young. The appraisal of the officers of the Navy Department was the sole testimony offered by the United States on the reference.

(*N. B.—The exception as to value of vessel was abandoned. See Brief of U. S. Dist. Atty. in District Court.*)

It appeared that the claimants were at all times ready to receive the vessel according to the decree of restitution, but she was kept by the United States without paying into court the value as appraised by their own officers, or ever offering to make any payment whatever.

*Testimony of Messrs. Beebe and Donohue, Rec., pp.* 162, 163.

The proceedings before the commissioner were pending from July 22, 1873, to June 10, 1875, nearly two years, and no evidence on the question of damages was offered on the part of the United States.

The commissioner, upon the uncontradicted evidence, found the time of detention of the vessel to be 568 days, and the fair value for her use to be $200 per day $113,600 00

| | |
|---|---|
| Interest at six *per cent. per annum* | 81,698 00 |
| The value of the vessel | 30,000 00 |
| Interest | 21,549 00 |
| Services of claimants' agent, 568 days, at $10 per day | 5,680 00 |
| Making the assessed damages | $252,527 00 |

*Commissioner's Report, Rec.*, p. 156.

The commissioner's report was filed March 13, 1877 (*p.* 157). The United States District Attorney on March 27, 1877, filed a paper, which is identical with the exceptions appearing on p. 151 of the Record, containing exceptions to

the commissioner's report *made under the order entered in this cause in June*, 1870.

On October 2, 1877, the United States District Attorney gave notice of a motion to vacate the second order of reference upon various grounds alleged for the first time, and gathered in part from exhibits forming portions of the testimony *in preparatorio*, sworn to be copies by a clerk in the District Attorney's office.

*See Notice of Motion and Affidavit of Clarke, Rec., pp.* 165, 166.

That portion of the affidavit of Clarke which related to the exhibits, and the exhibits were stricken out on motion of claimants (*Rec. p.* 169, *p.* 173), and the motion to vacate was denied (*Order, p.* 172).

It appeared on the proceedings on the above motion, that since the decision of this court, and in furtherance of the concluding suggestion of the opinion (17 *Wall., p.* 31), efforts had been resumed to secure the reopening of diplomatic negotiations for adjustment of the claim of the owners of the vessel, but the State Department would take no action in the premises.

*Rec., p.* 172.

The United States District Attorney then applied to the court for leave to file amended and additional exceptions to the commissioner's report. The District Attorney in his affidavit gave an explanation of the filing of exceptions to the first report instead of the second, and reasons for desiring to file new exceptions.

*Affidavit, Rec., p.* 172.

The court, after hearing, allowed the exceptions on file to be amended, so as to refer to the commissioner's report filed March 13, 1877, and in all other respects denied the motion.

*Order, Rec., p.* 179.

The District Judge stated the ground of the denial of the motion as follows:

"There has not only been great laches in making the application, but virtually upon the same report, so far as "this question is concerned, the Government took the "same exceptions in 1871, and stood by them in this court "and the Supreme Court. Such an amendment under "these circumstances would, it seems to me, not be in "furtherance but in subversion of justice, and of all regularity and propriety of judicial proceedings."

*Rec., p.* 178.

The exceptions to the commissioner's report awarding damages were argued and overruled, and an order made confirming the report and directing a decree accordingly.

*See opinion of Judge* CHOATE *and order, Rec., p.* 180.

On March 8, 1879, a final decree was entered awarding to the claimants the sum reported due, with interest, making in all $308,932.38.

*Decree, p.* 181.

The United States appealed to this court from the decree.

*Rec., p.* 181.

The sole grounds of appeal alleged in the Petition of Appeal relate to the amount awarded for damages.

*Petition of Appeal, Rec., p.* 183, *fol.* 574.

## POINTS.

**First Point.**—This cause having been heard in this court on a former appeal involving the question of jurisdiction and the merits, and having been remanded to the court below for further proceedings, no question arises on this second appeal, except as to the proceedings subsequent to the mandate.

*Himely* v. *Rose*, 5 Cr., 313, p. 316.
*Skillern's Executors* v. *May's Executors*, 6 *id.*, 267.
*Ex parte Sibbald* v. *U. S.*, 12 Pet., 488.
*The Santa Maria*, 10 Wheat., 431.
*Corning* v. *Troy Iron and Nail Factory* 15 How., 451.
*Supervisors* v. *Kennicott*, 94 U. S., 498.
*The Lady Pike*, 96 U. S., 461.

The opinion of the court is the guide as to the proceedings which are to be taken in obedience to the mandate.

*West* v. *Braeshear*, 14 Pet., 51.

I.—Under the decision and opinion of this court on the former appeal (*The Nuestra Senora*, 17 Wall., 29), the power and duty of the court below were confined to an ascertainment of the damages sustained by the claimants, excluding counsel fees, and this duty has been performed. The only question which can now be raised is whether there is any error in the final sentence of the Prize Court as to the damages.

II.—The decree of restitution, made June 20, 1863, was absolute and unconditional (*Rec.*, *p.* 145). This court has affirmed it by deciding that "*the vessel was not* "*lawful prize of war, or subject of capture*" (17 Wall., *p.* 31). The right of the claimants to "*indem-*"*nity for the losses sustained by the seizure and em-*"*ployment of the vessel*" has also been determined by this court (*Id.*).

There is no power to review these determinations on the present appeal.

*Ex parte Sibbald* v. *U. S.*, 12 Pet., 488.

**Second Point.**—If the question of jurisdiction were an open one, it is clear that the District Court, sitting as a Prize Court, had full jurisdiction to make all the orders and decrees which have passed in the cause.

I.—The jurisdiction of the Admiralty Courts, in prize cases, to award costs and damages on restitution is unquestioned, and has always been exercised in this country.

1 *Kent's Com.*, 354.
*The Apollon*, 9 Wheat., 362.
*The Lively*, 1 Gall., 315.
*The Glen*, Blatchf. Prize Cases, 375.
*The Sybil*, *id.*, 615.
*The Siren*, 7 Wall., 152, *and cases cited on p.* 161.

II.—The reservation in the decree of restitution of the question of costs and damages, was a proper exercise of the discretion of the court. This was incident to the main question, and in accordance with the practice of Courts of Admiralty and of Equity was properly reserved, no objection being made and the question of costs and damages being entirely susceptible of subsequent consideration. The ascertainment of damages after a decree dissolving an injunction or directing specific performance, is the common practice in Equity. In the Prize Court the practice is the same as to damages.

*The Labuan*, Blatchf. Prize Cas., 165.
*The Glen*, *Id.*, 375.
*The Jane Campbell*, *Id.*, 101.

**Third Point.**—The jurisdiction of the Prize Court over the subject matter being clear, and the United States having invoked the jurisdiction, and assented to the course of practice and procedure, have waived all objection to the

adjudication on the subject of damages as an incident of the main cause, and such adjudication is final and conclusive.

I.—The United States, by its military and naval officers, seized and detained the *Nuestra Senora*, and having her in possession, filed their libel as captors by their District-Attorney, June 9, 1862 (*Libel Rec.*, *p.* 1), and caused monition to be issued to the Marshal of the Southern District of New York, commanding him to attach the vessel and to cite all persons claiming the same to appear and make their allegations, &c.

*Monition Rec.*, *p.* 2.

After appearance and claim by the owners of the *Nuestra Senora*, the United States, in 1863, submitted the whole case to the determination of the Prize Court, and upon the entry of the decree of restitution, after hearing, made no objection to that portion of it which reserved the question of costs and of damages resulting from the capture (*Rec.*, *p.* 145).

II.—While consent of parties cannot confer jurisdiction where it does not exist, the exercise of jurisdiction where it does exist cannot be objected to, after voluntary appearance and litigation on the merits.

*Rhode Island* v. *Massachusetts*, 12 Pet., 657, *p.* 719.

*Bangs* v. *Duckinfield*, 18 N. Y., 592.

"When a sovereign state or her representatives are "brought into the forum of litigation, neither she nor "they can assert any right or immunity as incident to "her political sovereignty."

*Davis* v. *Gray*, 16 Wall., 203, *p.* 232.

III.—Subsequently the United States assented to a stay of proceedings in order that the question of damages "reserved by the court," might be made the subject of negotiation between herself and Spain (*Rec.*, *p.*

145), and after more than six years delay announced through the Department of State to the representative of the Spanish Government that it "will be most "satisfactory to the Government that the parties in- "terested should apply to the court, *which still re- "tains jurisdiction of the case*, to obtain such further "relief as justice may demand, and in the mode which "that tribunal shall deem most proper and convenient" (*Rec., p.* 170, *ante p.* 6).

And thereupon, by consent of the United States, in open court, the order of reference to a Commissioner was made to "ascertain the damages sustained" by the claimants "by reason of the seizure and detention" of their vessel (*Rec., p.* 146).

The claimant's right to recover damages was adjudicated by the last mentioned order, which was according to the usual practice of courts of admiralty.

The allegation of error made in the petition of appeal that the right to recover damages "reserved in "the said decree of June 20, 1863, has never been ad- "judicated," is wholly without foundation.

The United States, in like manner, in 1870 and 1871, appeared on the reference before the Commissioner, and contested the question of damages. He reported that he had been "attended by the counsel of the "United States and for the claimants, and had taken "and examined the testimony offered on behalf of the "respective parties" (*Rec., p.* 150).

In the exceptions, filed May 23, 1871, to the Commissioner's report no objection is taken of want of jurisdiction (*Rec., p.* 151). The decree for the damages passed without any such objection being raised (*Rec., p.* 151).

IV.—The United States having thus appeared at all stages of the proceedings, commenced by their own

act, and prosecuted by their own attorney, and with their express consent to final decree, waived any objection to the adjudication of damages and the ascertainment of the amount thereof.

V.—The case is not one of an attempt to sue the United States, or to make them amenable to the process of the court. The sovereign cannot be sued in his own courts without his consent (*United States* v. *Clarke*, 8 Pet., 444; *The Siren*, 7 Wall., 152). But this prerogative may be waived, and is, in practice, repeatedly waived by the appearance of the United States as a party defendant in foreclosure suits or other proceedings where title is to be made under a judicial sale to property in which the Government is interested, and where, by appearance, it waives its exemption, "and "submits to the application of the same principles by "which justice is administered between private "suitors."

*The Siren*, 7 Wall., 152, p. 159.

Certainly the sovereign power may, if it sees fit, avail of the jurisdiction and practice of its own court, as existing and as exercised between private suitors, to determine the amount of a claim in favor of a subject of a friendly foreign nation, which has arisen as an incident of proceedings instituted in the court by the sovereign power itself; to the adjudication of which in this method it has assented in open court, and also by direct communication with the duly accredited representative of such friendly nation.

VI.—The course pursued by the Government in other cases of prize, where the proceedings were instituted and prosecuted by the United States, on their own behalf and on behalf of captors in interest, furnish ample precedent for the present case. In the cases of

*The Labuan*, Blatchf. Prize Case, 165.
*The Sybil*, *Id.*, 615,

the decrees were made against the United States and

the captors, as the records on file in the District Court show, and Congress by passing the several acts directing payment of the amounts awarded *by the decrees* approved and adopted the adjudications of the court.

*See Acts July 7th and 8th*, 1870, *chaps.* 220–231, 16 U. S. Stats. at Large, 47.

*Also chap.* 219, *Id., directing payment in the case of the Flying Scud, pursuant to decree of U. S. Dist. Court in Louisiana.*

VII.—The question of jurisdiction and adjudication is, of course, wholly independent of the question of the execution of the decree. As the appearance and consent of the United States are voluntary and not compulsory, so payment cannot be compelled by process, but the decree is binding as an award of damages by the Judicial department, with the assent of the Executive, and, as in the cases above cited, becomes effectual when payment is directed by the Legislative department.

**Fourth Point.**—There was no error in the decree appealed from as respects the award of damages.

The errors alleged in the petition of appeal as to the damages awarded are: (1), that the amount is grossly excessive and very many times more than the total value of the vessel; (2), that the owners are allowed for amounts alleged to be due under the charter party; and (3), that there was no evidence of the actual value of the services of the vessel to her owners in the usual and customary employment.

*Petition of Appeal Rec., p.* 183.

The circumstance that an award of damages is large, and that, when measured by the actual cost of the property in respect to which it is made, is in excess of such cost, is

no reason why an appellate court should interfere to reduce the amount, provided the award is supported by evidence, and does not contravene the rule of law applicable to the case.

In the present case the law and the evidence fully justify the award.

I.—The so-called "capture" of the *Nuestra Senora*, was not only wholly unjustifiable, but was attended by circumstances of peculiar aggravation.

> The vessel was not prize of war, nor subject of capture. This court has so decreed (17 Wall., 29, *p.* 31). She was the property of subjects of a friendly neutral power. In seeking a port on our coast, in distress and for supplies, she was under the protection of express treaty stipulations, providing for the very emergency in which she was placed, and guaranteeing to her necessary aid and free departure, and also prohibiting her seizure or detention for any military expedition or other public purpose.
>
> *See the Treaty, Arts. VI., VII. and VIII., post, p. 22.*

The United States Quartermaster offered to purchase the vessel of the master, who testified: "I refused to sell as I had no authority." The next day the vessel was seized (*Rec. p.* 160). The offer to buy was evidence of knowledge that the right to seize did not exist. The so-called "capture" was a pretext to get the vessel forcibly into the military and naval service of the United States to meet the absolute exigencies of the war.

This is demonstrated by the fact that the "captors" did not, as the rules of international law and of the law of prize, positively required, send the *Nuestra Senora* into a proper port for adjudication.

It is the settled law of prize that the captured vessel

must be despatched promptly to some convenient port for libelling, with instructions to the prize-master to report without delay to the court or commissioners, as may be required by the local law of the district to which the prize may have been ordered.

*Roberts on Ad. & Prize*, 446.
*Upton on Prize Courts*, 246.
*Phillimore on International Law*, § 449.
*The Lively*, 1 *Gall.*, 310.

Had the vessel been promptly sent to New York, as might have been done, the claim for damages on restitution would have been limited to demurrage and interest.

*The Apollon*, 9 Wheat., § 62, p. 377.

The vessel was impressed into the service and kept there, but that this was known to be in violation of the rights of the owners is further proved by the charter-party agreement of December 11, 1861 (*Rec.*, *p.* 159.

This agreement is evidence of the value of the vessel at the time, for the service in which she was kept by the United States, and the fact that it was *to remain in full force and virtue* unless the vessel should be condemned, shows conclusively that the intention was to fix the measure of compensation for the use, in the event of its being determined that she was not lawful prize.

The value of a double-end ferry boat of light draught, new and in good order, as a transport for troops at Hilton Head, was very great. No one knew better than the U. S. Quartermaster the rate of charter money for vessels needed for such services.

*See post*, *p.* 28. *Charter made by same Quartermaster*, *October* 1, 1861, *of the Marion.*

The continuous use of the vessel by the United States until the intervention of the Spanish Government secur-

ed her being sent to New York for adjudication, in the summer of 1862 (*Rec.*, *p.* 178) was a continuing wrong. The charter party was made by the master of the vessel while under the duress of the seizure. Her owners awaited her arrival, and, after learning of the seizure, awaited her restoration. Their whole railroad enterprise was defeated so long as they were deprived of the means of steam communication between Havana and Regla. They did not provide another boat because they expected the speedy restoration of the *Nuestra Senora*. They could not procure her counterpart during the war, except by long delay and at great expense.

"The seizure and non-arrival of the steam ferry-"boat at Havana was almost ruinous to the company "* * and its interests" (*Lentilhon*, *Rec.*, *p.* 178). They were utterly remediless, as the action of the military and naval forces of the United States could not be controlled. The provision in the charter party that either party might cancel it after ten days (*p.* 160) was wholly nugatory as a means of regaining possession, so long as the United States claimed the vessel as a prize or chose to keep her in the service.

The important fact is that the United States, by the same officer who made the capture, made the charter party; that the charter party never was cancelled, and the vessel never returned to the master, although adjudged not lawful prize, and although he was at all times ready and waiting to receive her.

II.—The delay in sending the *Nuestra Senora* for adjudication, and the subsequent forcible taking of the vessel to the Government use, was not only in violation of the law of prize, but also of treaty stipulations between the United States and Spain.

The United States have expressly waived their right as a belligerent power to take the vessels of Spanish subjects for public use. Article VII. of the Treaty of 1795, between the United States and Spain, contains the following clause:

"And it is agreed that the subjects or citizens of "each of the contracting parties, their *vessels* or effects, "shall not be liable to any embargo or *detention* on the "part of the other, *for any military expedition* or *other* "*public* or private purpose whatever." * * *

In the same relation are Articles VI. and VIII. of the Treaty; the latter article expressly covers the case of the *Nuestra Senora* by providing that vessels forced into port by stress of weather shall be provided with supplies, and shall not be hindered from removing and departing therefrom, &c.

*Treaty of* 1795, 8 U. S. Stats. at Large, 138.
*The Pizarro*, 2 Wheat., 227.

The Spanish character of the vessel, and the fact that her master was a Spanish subject, having been ascertained, the right to the benefit of the treaty stipulations cannot be disregarded. The case does not stand, "upon the "ground of the law of nations, unaffected by the stipula- "tions of a treaty" (2 Wheat, 242), but is a case directly controlled by plain and positive treaty stipulations.

A sovereign may properly impose on his own subjects in case of extreme need, forced service necessary for the public safety, impressing their ships and goods, and even their persons. But such measures should not reach neutral vessels, interrupt their commerce and defeat their voyages. To guard against the commission of such acts, the provisions of the above cited and similar treaties have been agreed upon between friendly nations.

*Massé Droit Commercial*, liv. 11, ch. 2, sec. 2, § xi. tom. 1 p. 310.
*Phillimore International Law*, vol. iii., p. 41.
*Lawrence's Wheaton*, 2d Ed., p. 512.

Article VII., of the Treaty of 1795, between the United States and Spain, contains the very provisions mentioned by Massé.

*Sec.* 29 of the Prize Act of 1864, now *sec.* 4652 of the Revised Statutes, provides that "*Nothing in this* [*Title*]

*shall be construed to contravene any treaty of the United States.*

The treaty stipulation has the same effect as an express provision of an act of Congress. It is a part of the supreme law of the land.

*Const. U. S., Art.* VI.
*Haver* v. *Yaker*, 9 Wall., 32.

The United States have always insisted on this construction of the above clause in Article VII. of 1795, and has enforced claims for damages against Spain for vessels and the property of American citizens taken by Spain during the Cuban insurrection. (*See Diplomatic Correspondence*, 1870, 71, '72.)

III.—The taking of the vessel by the Navy Department for Government use after the order of the Prize Court, made against the opposition of the claimants, requiring the deposit of her appraised value as a condition of such taking, without making the deposit, and by force, was a further direct violation of the rights of the owners, and completed the tortious and forcible taking and conversion of their property.

It is a part of the history of the war that the need of steam vessels for the operations on the coast was so great that an office was opened in the City of New York for the purpose of effecting charters, and they were made on the best terms the Government could procure. This fact and the known exigencies of the service may serve to explain, but not to justify, the series of acts which can only be characterized as outrages in respect to the vessel in question :

1. In denying to her the rights secured by Article VIII. of the Treaty to a Spanish vessel in a port of distress.

2. In her seizure and detention in direct violation of Art. VII. of the Treaty.

3. In agreeing upon her value for use in the United States service, and afterwards repudiating the agreement.

4. In not sending her into a proper port for adjudication until six months after the seizure.

5. In forcibly taking her out of the custody of the Prize Court without complying with its order for deposit of value.

6. In absolutely and finally converting her to the use of the United States, notwithstanding a decree of restitution on the ground of illegal capture.

7. In opposing the decree of the Prize Court as to damages, on the ground of want of jurisdiction, after instituting the proceedings therein, appearing at all stages, consenting to a reference as to damages, and remitting the claimants to the court as having jurisdiction, and as the proper tribunal to afford relief.

8. In passing an act enabling this court to allow an appeal after the time to appeal had expired, and after the case had been actually heard on a motion to dismiss.

## III.

ON THIS STATE OF FACTS WHAT IS THE RULE OF DAMAGES?

The case is not one of a mere tresspass or of a wrongful conversion of personal property in the sense of asserting a superior or adverse title or right to possession which turns out to be invalid. It is the case of a tresspass *vi et armis*, by which the property of an innocent party has been taken into the use of another, against positive and binding stipulations, kept in such use against remonstrance, and without right, at the pleasuse of the wrong doer, and finally, pending a judicial

examination carried off beyond reach, out of the jurisdiction, to the destruction of all property rights of the true owner. Certainly the least reparation to be made is that which the law gives in case of wrongful conversion, or of injury resulting in deprivation of use where the value of the use of the thing which is the subject of the wrong, during the period of deprivation of use, can be ascertained by competent evidence.

The rule is stated by Mr. Justice NELSON in *Williamson* v. *Barrett*, 13 How., 101, *p.* 111:

"The principle * * in adopting the freight "which the vessel was in the act of earning as a just "measure of compensation in the case, is one of gen- "eral application. It looks to the capacity of the vessel "to earn freight for the benefit of the owner, and "consequent loss sustained while deprived of her ser- "vice."

This is the settled rule in cases of collision in both the Admiralty and Civil Courts.

*The Gazelle*, 2 Wm. Rob., 279.
*The Glaucus*, 1 Lowell, 366.
*Vantine* v. *The Lake*, 2 Wall. Jr., 52.
*The Narragansett*, Olcott, 388.
*The Rhode Island*, *Id.*, 523.
*The M. M. Caleb*, 10 Blatchf., 467.
*The Stromless*, 1 Lowell, 153.
*Whitehall Trans. Co.* v. *N. Y. Steamboat Co.*, 51 N. Y., 369.
*Mailler* v. *Express Propeller Line*, 61 N. Y., 312.

The rule to be applied is that followed in cases of wrongful conversion of property capable of earning hire, and in respect to which the owners were immediately entitled to the possession and use.

The wrong here was a continuing one, and the detention of the vessel, her employment and use in violation of the rights of the owners, and her final absolute conversion to the permanent use of the wrong-

doer, are elements of damage for which complete indemnity can only be given by compensation for the loss of earnings as well as the value of the vessel.

In *Allen* v. *Fox*, 51 N. Y., 562:

The Court say: "The damages for detention are "the same, whether the party recover the property or "its value. * * * In many cases interest on the "value from the time of the wrongful taking would "be a proper measure. * * It would be generally "in all cases where the property detained was of mer- "chandise kept for sale, grain, and all other arti- "cles of property, useful only for sale or consump- "tion. * * But the same measure of damages "would *not* generally furnish the owner an indem- "nity in case the property claimed *had a value for* "*use*, or, in other words, a *usable value*, as horses, "cows, carriages and *boats*. In such cases, * * "*the value of the use* would be the measure of dam- "ages. * * *Suppose the plaintiff had taken the* "*defendant's boat, worth* $2,000, *and kept it a whole* "*year before it was ordered, as the result of the* "*action, to be returned to the defendant—would the* "*interest be a fair compensation to the defendant for* "*the loss of his boat?*"

In the *Star of India*, L. R., 1 Prob., Div. 466, a case of collision where the innocent vessel lost the benefit of a charter party at 55 shillings per ton, and, after repairs, procured another at 45 shillings, the first charter having been cancelled, it was held that notwithstanding the cancellation, the loss of the first charter party must be included in the damages.

Sir Robert Phillimore says: "This is a case of "compensation demanded from a wrongdoer. * * * "the claim of the suffering party who has sustained "the loss arises, not *ex contractu*, but *ex delicto* of "the party by whom the damage has been done, and "the measure of indemnification is not limited by "the terms of any contract, but is coextensive with "the amount of the damage. The right against the "wrongdoer is for a *restitutio in integrum*, and this "*restitutio* he is bound to make without calling upon

" the party injured to assist him in any way what-
" ever. If the settlement of the indemnification be
" attended with any difficulty (and in these cases diffi-
" culties must and will frequently occur), the party in
" fault must bear the inconvenience. He has no right
" to fix this inconvenience upon the injured party,
" and if that party derives, incidentally, a greater bene-
" fit than mere indemnification, it arises only from
" the impossibility of otherwise effecting such indem-
" nification without exposing him to some loss or
" burden which the law will not place upon him."

IV.—The value of the use of the vessel was fully proved. The charter party was evidence of such value.

Where a special agreement has been made and the party claiming the stipulated price is obliged to sue, *indebitatus assumpsit* may be maintained and the special agreement will furnish the measure of damage.

*Dermott* vs. *Jones*, 2 Wall., 1.

So here the charter party may, and must under the peculiar circumstances be resorted to as evidence of the value of the use of the vessel.

The transaction was a very plain one. The Quartermaster offered to buy the *Nuestra Senora* and failed. Then he seized her as prize of war. Then, instead of following up her seizure as the law of prize required, he agreed with the master to charter her, subject to the adjudication as to the question of prize, at the rate of " $200 for each and every day, the said boat may " be kept in service," and with a provision for termination of the contract on notice which never was given.

There is no evidence that this was not a fair rate.

The evidence is uncontradicted that it was a fair rate (*Rec.*, *p.* 162).

Mr. McCready's testimony was not only not contradicted, but is fully substantiated by adjudged cases.

Government charters of vessels in time of war, form an exceptional kind of employment and service, for

which special rates are always permitted, and have been upheld by the courts.

The *Vanderbilt* and the *Commodore*, two steamboats running on Long Island Sound, between New York and Stonington, were chartered at $800 a day, *each*, for "one month, and as much longer as the ves- "sels may be required by the United States Govern- "ment," and they were kept in service 449 days, earning $360,000.

See *Sturgis* v. *N. J. Steamboat Co.*, 35 N. Y. Superior Court Rep., 251, 252; S. C., *affirmed on appeal*, 62 N. Y., 625.

The *Seth Low*, a smaller steamboat (234 *tons, see Appendix, No.* 1375), was chartered at $200 per day.

*Howland* v. *Coffin*, 47 Barb., 653.

The *Marion*, a steamboat of 1,000 tons, was chartered by Quartermaster Saxton, October 1, 1861, at $1,000 per day, and kept in use 167 days, and her owners received $168,000, her value being fixed by the charter party at $100,000.

*Sturgis* v. *Spofford, N. Y. Superior Court. Record handed up herewith.*

And see for prices paid on charters APPENDIX *post*, p. 37.

The claimants were deprived of the use of the *Nuestra Senora* at a time when she was indispensable to them. It is claimed that because no evidence was given of the actual value of her services to her owners "in her usual and customary employment" (*Rec., p.* 183) they cannot recover anything for her use. This is equivalent to saying, that where a wrongdoer intercepts property manufactured for a special use, before it reaches the owner, and converts it to a use, the value of which is susceptible of proof, the owner's right to damages is destroyed by the very act which entitled him to recover them. The rate of value for actual use during the actual period of detention being established, it is made the proper measure of damage, and the wrongdoer cannot complain.

Even in actions *ex contractu* the loss of profits is included in the computation of damage, where a special use or a fixed time was in contemplation of the parties, or when the violation was oppressive.

*Hadley* v. *Baxendale*, 9 Exch., 341.

*Phil., Wilmington and Balt. R. R. Co.* v. *Howard*, 13 How., 307.

*A fortiori*, in a case like the present, where the vessel was built and was to be employed in a special service, and was needed for immediate use, and her seizure worked the absolute suspension of the business of the owners, the damage should be compensated for by the actual value of her use during the period preceding her final conversion.

The burden was on the United States to disprove the claimants' evidence of the value of the use, and no attempt was made to do this.

V.—The award was properly made for the entire period from the seizure to June 20, 1863, the date of the decree of restitution.

The right of the claimants to the possession of the *Nuestra Senora* was adjudicated by the decree of restitution. The unlawful detention covered the entire period. During all this time the vessel had been kept in the service and when the decree was made she was out of the jurisdiction of the Prize Court, having been eloigned by the United States officers so as to keep her in service and appropriate her wholly to the Government use.

VI.—The order of the Prize Court, of August 22, 1862 (*Rec., p.* 147), permitting the delivery of the vessel to the Navy Department for Government use does not vary or affect the right of the claimants to the whole award.

The vessel was not taken under the terms of the

order but in disregard of them. The condition precedent of a deposit was not complied with.

The only permission for use given by the court was made subject to its order and disposal on final decree. The vessel was taken away and absolutely converted to Government use.

The Act of Congress of June 30,1864, authorizing appraisal of captured vessels, &c., taken for the use of the United States (R. S., *sec.* 4624), had not been passed when the decree of restitution was made in this case and does not apply. But section 4624 positively requires a deposit of the appraised value subject to the order of the court.

Hence the only authority in the present case for the use of the *Nuestra Senora* by the United States, pending the proceedings in prize was to be found in the general jurisdiction and power of the Prize Court. These were invoked by the United States and the order of the court was then disregarded and violated. Nothing can be claimed, therefore, under the order.

Captured property is under control of the court and its officers until the final adjudication and disposal of it by the court.

In the case of the *Memphis* (Blatchf. Prize Cas., 202) Judge BETTS says: "The notion that the prerogative "powers of the Government can be exercised directly "by the United States in its military capacity and not "at all through the courts, cannot be supported by our "laws. Those high functions are legitimately put in "force by the instrumentality of the judiciary in ob"taining through its agency the active use and posses"sion of prize property which first vests in the Prize "Court. Accordingly, an order for the appraisal of "captured property and the surrender or transfer of "it to governmental uses, under precautionary pro"visions to secure individual interests vesting in it, is "palpably a JUDICIAL POWER to be performed at the "instance of the Government, and need not, if, in"deed, it can, be superseded or dispensed with by *a*

"*direct and summary act of appropriation of the* "*property by the Executive authority.*"

*See also The Ella Warley, Id.*, 207.

This power of a Prize Court, to permit delivery of the prize to the Government for use pending adjudication, is exercised for the protection of all parties in interest. Mr. Wheaton says, 2 Wheat., *Appendix*, p. 17:

"In England, though the property is now usually "put into the hands of the captors, yet it still remains "in contemplation of law, in the custody of the court. "Formerly it actually did remain in its custody, as "is still the case in other foreign countries. It is "merely for the convenience of the captors that "the English Admiralty permits them to take possession of the property. But it must be remembered "that it is so held by them as agents of the court, and "not in right of property; and, therefore, their possession may be divested by the act of the court, "either *ex-officio*, or on the application of the parties "interested, showing good cause for taking it out of "their hands (*Per Sir W. Scott, arguendo, in Smart* "v. *Wolff*, 3 Term Rep. 323, 329. *The Herkimer*, "Stewart, 128, S. C. 2, Hall's Am. Law Journ., 133)."

The final decree alone operates to transfer the property from the custody of the court to the captors, by its confiscation, or to the claimants by its restitution

A judgment confirming the incipient right acquired by seizure is necessary to give the captors ownership at law (*The Ella Warley, Blatch. Prize Cas.*, 207).

And where a cause has proceeded to final decree, and restitution is ordered, without a certificate of probable cause of capture, the measure of damages is not affected by the circumstance that pending the adjudication the Government has been allowed to use the vessel. The claimants being entitled to damages for detention, although the vessel remains all the time in the custody of the court, equity gives them the clearest right to compensation when the captors have had the use of the vessel.

Nor can the jurisdiction be affected by any change in the local situation of the property after capture, but wherever it may be found, or its proceeds, the court will follow it with its process (*Hudson* vs. *Gustier*, 4 Cranch, 293). Therefore, if the property be carried to a foreign port, or delivered upon bail by the captors, the jurisdiction of the Prize Court is not thereby ousted, but will be exercised by adjudication and enforcement of the stipulation (*Home* vs. *Camden*, 2 H. Bl., 533, 4 T. R., 383; *Willis* vs. *Commissioners of Prize*, 5 East., 22; *The Noysomhed*, 7 Ves., 593; *The Brig Louis*, 5 Rob., 131; *The Two Friends*, 1 Rob., 271; *The Eliza*, 1 Acton, 336; *Smart* vs. *Wolf*, 3 T. R., 223; *The Pomona*, 1 Dod., 25).

In *The Peterhoff*, Blatchf. Prize Case, 620, Judge Betts says:

"Until the decree of the Prize Court has transferred "the title of the prize to the capturing power, the "lawful proprietorship continues with the original "possessor, subject to no other use or appropriation "by its occupants than that of safe keeping under "arrest, pending judicial proceedings seeking its for- "feiture. Manifestly in that *status* of the property, it "cannot be lawfully divested of its condition of pledge, "so long as the question of its lawful ownership is "undetermined and rests under judicial advisement."

The English rule is the same. The title of the owner of the property taken as prize is not deemed to be changed until there has been a sentence of condemnation; and he is entitled to restitution wherever he may find the property.

*Le Caux* v. *Eden*, 2 Doug., 594, 610, 616.
*Goss* v. *Withers*, 2 Burr., 683, 694.
*The Flad Oyem*, 1 Rob., 114, 134.
*The Santa Cruz*, 1 Rob., 42.
*The Fanny and Elmira*, 1 Edw. *Ad. R.*, 117.
*The Ceylon*, 1 Dobson, 105.

No title therefore to the vessel passed to the Government by virtue of the order of August 22, 1862. The title remains in the owner until a decree of condemnation.

VII.—The question, whether or not the measure of damages for the detention subsequent to the order of August 22, 1862, should be the same as for the detention prior to that date, was raised by the Government before the Prize Court, and all the learned judges distinguished this case from that of the *Memphis* or the *Ella Warley*. The decree of June, 1863, was made by BETTS, *J.*; the report of the Commissioner was confirmed, and the final judgment of 1873 rendered by BLATCHFORD, *J.*; the exceptions to the last report of the Commissioner were heard, and the present judgment of March, 1879, rendered by CHOATE, *J.*

In the cases of *The Memphis* and *The Ella Warley* (*supra, pp.* 30, 31), the vessels were both condemned as good prize, so that no question of damages for detention or indemnity for use was considered by the court. These cases simply affirm the general practice of permission by the court, the Government to use a captured vessel pending adjudication, *on depositing security* and subject to its order.

In the present case the provisions of the charter party, voluntarily made on behalf of the United States, followed the vessel during the period of her use. The power of the Prize Court was shaken off and disregarded, but the measure of damage as evidenced by the charter party attached to the continuous use.

The Government chose to make and did make, on terms imposed by itself, the stipulation with the master of the vessel by which her immediate and continued use was secured at a fixed price per day; to continue in force unless terminated by a decree of condemnation, or by a notice of ten days. No such notice was given, and the price agreed upon for the use of the vessel, in case of restitution, became the measure of damage upon restitution being decreed.

It was competent to the Government to elect whether it would wait and obtain the use of the vessel by an order of court when prize proceedings should be instituted, or get her at once by means of a stipulation with the master of the vessel which he was powerless to decline.

The latter course was adopted in view of the exigencies of the war.

The Charter Party not having been terminated in the manner stipulated, nor by a surrender of the vessel to her owners, was obligatory on the Government, so long as it kept and used the vessel, not as agents of the Prize Court, and amenable to its order, but independently of and in violation of the order, and by the exercise of its *vis major*.

VIII.—The other items allowed by the Commissioners' report and awarded by the decree, are right, and were not objected to in the court below.

**Fifth Point.**—The *ex parte* testimony *in preparatorio*, and the letters and documents included therein, make up 141 pages of the entire 184 pages of the record in this case. They have no relevancy to any question arising on this appeal. They were included in the clerk's return, upon the construction given by the District Judge to the provisions of the Revised Statutes relating to the returns on appeals in cases of prize. His opinion is not printed in the record. He said:

"R. S., 1012 does not refer to the requirements of "§ 997, but to matters of practice upon taking, and after "having taken an appeal. It does not regulate what "the record to be transmitted on appeal shall be. That "is regulated by § 698 and Supr. Ct. Rule 53, in ad- "miralty, in all cases to which that section or that rule "applies. A cause 'of prize or no prize,' seems to in- "clude this case. The fact that, in the progress of the

"cause, the question of prize or no prize may have been "settled does not alter the nature of the case. That is to "be determined by the proceedings. I think, therefore, "the case is within § 698, and the proofs upon the "original hearing are required to go up. * * * The "fact that they were not used upon the reference appears "by the record of the proceedings before the court, and "claimant has the full benefit of that fact."

As no question was raised by the petition of appeal as to the original decree on the question of prize or no prize, and the question was adjudicated by this court on the first appeal, application was made to the Department of Justice, in November, 1879, to omit this mass of irrelevant matter from the record. The Department replied, stating that the application would be considered after the record was sent up. It was filed December 11, 1879 (*Rec.*, p. 184). According to the usual course of dealing with this case nothing ever came of the application. No further notice was taken of it by the Department.

*No reference is made in this brief to any matter or thing contained in the record save those contained on pages* 1–4, *and* 145–184.

**Sixth Point**.—The award made by the Commissioner and confirmed by the court below, being sustained by competent evidence now appearing on the record, should, like the verdict of a jury, be conclusive on the question of damages.

The former award was criticised by this court for the allowance of counsel fees.

The allowance was supposed to have been warranted by the disposition made of a like claim in *The Apollon*, 9 Wheat., where the Court say (*p.* 379): "The fifth item, "allowing $500 for counsel fees, is, in our opinion, unex- "ceptionable. It is the common course of the Admiralty

"to allow expenses of this nature." But, in obedience to the mandate, this item has been disallowed.

If the expression in the opinion of the court, as to the amount being excessive, applied to anything except the amount of counsel fees, it was made in reference to the case as it then stood, and cannot, we respectfully submit, have any just application to the case, as it now appears, and in view of all the facts and circumstances attending it. The sum awarded is a considerable one, but it is barely a just measure of compensation for acts immeasureably unjust. The affirmance of the decree will not avail to secure its enforcement by the process of the court below, for process cannot issue against the United States. But it will vindicate the claim of the subjects of a friendly, foreign power, who, after seeking redress in vain, during more than a score of years, in the Executive and Legislative departments of our Government, now ask a final, though tardy, recognition of their rights in this department, where justice is administered.

**Seventh Point**.—The decree appealed from should be affirmed.

BEEBE & DONOHUE,
*Proctors for Appellees.*
WILLIAM ALLEN BUTLER,
*Advocate.*

# APPENDIX.

**Amounts paid by the United States for charter of steam vessels 1861-1862, named below (as shown by H. R. Ex. Doc. No. 337, 40th Congress, 2d Session, submitted herewith), for steamboats of 250 to 450 tons burthen.**

**N. B.—The "Nuestra Senora," was 339½ tons.**

**☞ The numbers are those given on pages 4-122 of the Document.**

| No. | Name of Boat. | Tonnage. | Charter Money per Day. |
|---|---|---|---|
| 1 | The *Achilles* (tug) | 375 | $200 |
| 21 | " *Alliance* | 395 | 200 |
| 27 | " *America* | 364 | 300 |
| 31 | " *Ansonia* | 400 | 700 |
| 37 | " *Ariel* | 407 | 240 |
| 40 | " *Arrowsmith* | 448 | 525 |
| 46 | " *Atlantic* | 299 | 200 |
| 166 | " *Nellie Baker* | 303 | 350 |
| 169 | " *Baltimore* | 252 | 250 |
| 170 | " *N. P. Banks* | 400 | 300 |
| 182 | " *Mary Benton* | 365 | 400 |
| 196 | " *A. H. Bowman* | 350 | 225 |
| 203 | " *Smith Briggs* | 237 | 200 |
| 212 | " *Dudley Buck* | 290 | 400 |
| 216 | " *General Burnside* | 400 | 300 |
| 396 | " *Canonicus* | 434 | 375 |
| 435 | " *Rebecca Clyde* | 446 | 300 |
| 441 | " *G. O. Collins* | 234 | 500 |
| 453 | " *Commodore* | 365 | 800 |
| 463 | " *Convoy* | 425 | 450 |
| 466 | " *Corinthian* | 398 | 300 |
| 476 | " *Cumbria* | 420 | 350 to 400 |
| 654 | " *Detroit* | 445 | 300 |
| 663 | " *John Disney* | 359 | 300 |
| 666 | " *Donaldson* | 252 | 250 |
| 760 | " *Emperor* | 450 | 500 |
| 866 | " *John Farron* | 250 | 400 |
| 877 | " *Flushing* | 333 | 350 |
| 878 | " *Commodore Foote* | 106 | 305 |
| 882 | " *Thos. Foulks* | 120 | 200 |
| 997 | " *Gladiator* | 115 | 250 |
| 1006 | " *Jas. S. Green* | 350 | 250 |
| 1087 | " *Haze* | 291 | 250 |
| 1098 | " *Honduras* | 376 | 400 |
| 1252 | " *Jefferson* | 328 | 200 |
| 1256 | " *Jersey Blue* | 250 | 250 |

| No. | Name of Boat. | Tonnage. | Charter Money per Day. |
|---|---|---|---|
| 1257 | The *T. C. Jewett* | 230 | $200 |
| 1262 | " *Juniata* | 263 | 230 |
| 1297 | " *Kent* | 265 | 200 |
| 1305 | " *Kingston* | 218 | 200 |
| 1354 | " *Edwin Lewis* | 300 | 210 |
| 1368 | " *Long Branch* | 276 | 325 |
| 1375 | " *Seth Low* | 236 | 200 |
| 1482 | " *Carrie Martin* | 350 | 300 |
| 1488 | " *Maryland* | 336 | 200 |
| 1494 | " *Matlano* | 150 | 425 to 250 |
| 1496 | " *May Flower* | 400 | 400 |
| 1502 | " *Genl. Meigs* | 400 | 300 |
| 1516 | " *Monitor* | 309 | 300 |
| 1525 | " *Robt. Morris* | 431 | 300 |
| 1733 | " *Nantasket* | 285 | 350 |
| 1739 | " *Neptune* | 348 | 350 |
| 1741 | " *Nequasset* | 125 | 200 |
| **1762** | " Nuestra | " unknown." | **200** |
| 1818 | " *Ocean Wave* | 270 | 200 |
| 1825 | " *Oriole* | 210 | 200 |
| 1830 | " *Charles Osgood* | 300 | 250 |
| 1899 | " *Pendulum* | 215 | 200 |
| 1912 | " *Pioneer* | 260 | 200 |
| 1921 | " *Portsmouth* | 263 | 220 |
| 1922 | " *Potomac* | 448 | 350 |
| 1928 | " *Alice Price* | 320 | 200 |
| 2026 | " *Quincy* | 400 | 300 |
| 2027 | " *Quinnebaug* | 300 | 250 |
| 2039 | " *Regulator* | 430 | 250 |
| 2050 | " *Rockland* | 231 | 200 |
| 2139 | " *Salvor* | 450 | 350 to 450 |
| 2149 | " *Saxon* | 450 | 300 |
| 2157 | " *Thos. F. Secor* | 200 | 250 |
| 2168 | " *Shetucket* | 300 | 250 |
| 2173 | " *Wilson Small* | 258 | 210 |
| 2197 | " *Staten Islander* | 300 | 400 |
| 2210 | " *Thos. Swan* | 365 | 210 |
| 2214 | " *Sylvan Shore* | 225 | 200 |
| 2387 | " *Tamnerid* | 330 | 300 |
| 2396 | " *E. S. Terry* | 260 | 200 |
| 2400 | " *C. W. Thomas* | 239 | 200 |
| 2406 | " *Tilley* | 446 | 300 |
| 2414 | " *Trade Wind* | 426 | 250 |
| 2491 | " *Union* | 225 | 200 |
| 2495 | " *Utica* | 340 | 250 |
| 2554 | " *Wallace* | 78 | 225 |
| 2561 | " *Geo. Washington* | 243 | 350 |
| 2571 | " *H. M. Wells* | 321 | 200 |
| 2574 | " *West Point* | 380 | 300 |
| 2591 | " *Winnissimet* | 270 | 200 |
| 2601 | " *Wyoming No. 1* | 359 | 225 |
| 2602 | " *Wyoming No. 2* | 383 | 300 |
| 2747 | " *Yankee* | 375 | 500 |
| 2768 | " *Zephyr* | 400 | 300 |

The above table shows that in forty-nine instances $200 per day, and upwards, were paid for steamboats of less than 339 tons. See Nos. 46, 166, 169, 203, 212, 441, 666, 866, 877, 878, 882, 997, 1087, 1252, 1256, 1257, 1262, 1297, 1305, 1354, 1368, 1375, 1488, 1494, 1516, 1733, 1741, 1818, 1825, 1830, 1899, 1912, 1921, 1928, 2027, 2050, 2157, 2168, 2173, 2197, 2214, 2387, 2396, 2400, 2491, 2554, 2561, 2571, 2591.

*The charter of the "Nuestra Senora" included in the above list as No. 1762, is the lowest in amount of charter money as compared with tonnage of all the charters above specified.*

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**The subjoined Table shows a few out of many instances in which the charter money was largely in excess of the value of the vessels as paid by the United States.**

***(For values see pages 140–155 Document above referred to.)***

| No. | Name of Boat. | Days. | Value. | Charter Money. |
|---|---|---|---|---|
| 166. | *The Nellie Baker* | 335 | $44,000 | $117,250 |
| 180. | " *Belvidere* | 314 | 75,000 | 187,100 |
| 135. | " *Boston* | 358 | 90,000 | 230,760 |
| 451. | " *Cosmopolitan* | 439 | 150,000 | 417,650 |
| 478. | " *Curlew* | 198 | 25,000 | 49,000 |
| 649. | " *Delaware* | 459 | 100,000 | 353,200 |
| 762. | " *Empire City* | Uncertain. | 225,000 | 400,000 And upwards. |
| 2158. | " *General Sedgwick* | 355 | 15,000 | 129,575 |
| 1480. | " *Marion* | 168 | 100,000 | 168,000 |
| 1531. | " *Mystic* | 423 | 18,000 | 54,900 |
| 1977. | " *Pocahontas* | Uncertain. | 65,000 | 175,000 |
| **1762.** | " Nuestra Senora | **568** | **30,000** | **113,000** |

*The proportion of charter money to value in the case of the "Nuestra Senora" is less than in the other cases above specified, taking into account the number of days.*

108-92

OFFICE SUPREME COURT U.S.
FILED
JAN 23 1883
JAMES H. McKENNEY, Clerk.

# United States Supreme Court.

## OCTOBER TERM, 1882.

| | |
|---|---|
| The UNITED STATES, *Appellant*, | |
| *vs.* | *No. 159.* |
| The Steamer *Nuestra Senora de Regla* her tackle, etc., | |

### SUPPLEMENTAL BRIEF FOR APPELLEES.

An inspection of the brief for the United States, filed so late that only a single day has been allowed the counsel of the appellees for its examination, discloses the fact that the Attorney-General asks this court to consider on this appeal, *de novo*, the questions of PRIZE OR NO PRIZE, and of PROBABLE CAUSE, notwithstanding that these questions were both determined by the court on the appeal from the former decree.

*See The Nuestra Senora de Regla*, 17 Wall. 29.

Against this attempt to procure a rehearing and review by this court of its own decision and judgment, we respectfully protest on behalf of the appellees as wholly without warrant of law, and against the express adjudications of the court as well as a grave breach of good faith in the conduct of the cause.

And we respectfully submit that this court has no jurisdiction to review its former decision and judgment upon a

mere suggestion of the Attorney-General as to what the record on the former appeal did or did not contain.

FIRST. Nothing is before the court on the present appeal except the present record.

The Attorney-General has no privilege as to statements or suggestions on behalf of Government greater than those of attorneys of private suitors. The appeal can be heard only on the record as it is now here.

Evidence *aliunde* cannot be introduced to show what the former record contained and it is not before the court.

> *Marlin vs. Hunter's Lessee*, 1 Wheat., p. 355.
> *Browder vs. McArthur*, 7 Wheat., 58.
> *Worthington Bridge Co. vs. Stewart*, 3 How., 413.
> *And cases on Appellee's Brief*, p. 13.

SECOND. By the record on the present appeal it appears that the cause was duly heard on the libel, the testimony taken *in preparatorio*, and the papers found on board the captured steamer, and a final decree of restitution made by the District Court June 20, 1863. (*Rec., p. 145.*)

Subsequently, October 28, 1871, the award of damages was made and decree entered for the amount thereof with interest, $220,970.54, *on the ground that the vessel was not a lawful prize of war.* (*Rec., p. 152.*)

The appeal was from this decree, and after hearing and decision the mandate of this court was sent to the District Court. It recites the entry of the decree of the District Court, and that this decree "was brought into the Supreme Court of the United States by virtue of an appeal agreeably to the act of Congress in such cases made and provided;" that the cause came on to be heard and was argued, and then adjudged that the decree be reversed, and that this cause "be and the same is hereby remanded to the said District Court *for further proceedings to be had therein, in conformity with the opinion of this court.* (*Rec., p. 154.*)

The opinion of this court was to the effect that the vessel was not lawful prize of war or subject to capture, and that the owners were entitled to indemnity.

*Opinion, 17 Wall., p. 31.*

No application for a rehearing was made by the United States during the term at which the decision of this court was rendered, and none could be entertained thereafter. This is the inflexible rule.

*Hudson* vs. *Guestier*, 7 Cr., 1.
*Browder* vs. *McArthur*, 7 Wheat., 58.
*Washington Bridge Co.* vs. *Stewart*, 3 How., 413.
*Peele* vs. *Sanderson*, 18; How., 42.

The United States District Attorney applied to make the mandate the judgment of the District Court, and on his motion it was so ordered; and upon the mandate, an order of reference was made to assess the damages of the claimants.

*See order July 22, 1873, Rec. pp. 155, 156.*

The final decree related solely to the amount of damages *and does not adjudye anything else, no other question being in the cause under the mandate and opinion.*

*Rec. p. 181.*

The question of probable cause cannot therefore be raised on the present appeal as the decree appealed from does not award the damages "on the ground that the vessel was not lawful prize of war," as the former decree did (*Record p. 152; fol. 478*), but in accordance with the mandate and opinion of this court.

THIRD. If the former record did not contain the proofs *in preparatorio*, the United States cannot now object. The appeal was taken by the United States; the record was sent up by the Clerk of its District Court and the cause was argued and determined here without any objection being made on the part of the United States.

It would appear by the present record that the whole case, including the testimony *in preparatorio*, and all the evidence was included in the former record. And every presumption is in form of the regularity of the proceeding especially as the appeal was by the United States which could have enforced any requirement of law existing in its favor as appellant.

Certainly whatever was in the former record, or ought to have been in it, was fully known to the United States District Attorney and Attorney-General before the argument.

If the record was defective, the remedy was by application for a *certiorari* to bring up a correct and true transcript of the proceedings, or by a motion to remit the cause for a correction of the record.

*Holmes vs. Trout*, 7 Pet., 171.
*Hodgkins vs. Kemp*, 18 How., 530.
*United States vs. Gomez*, 1 Wall., 690.
*United States vs. Adams*, 11 Wall., 534.

In the case last cited this court say:

"On an appeal the parties are entitled to have all the facts heard in the case before the court below, in the judgment of the court, truly found and stated in the record, that either deemed material to the decision; and as we have seen the remedy is ample to correct any mistakes committed if applied for prior to the hearing in this court. The court are not willing to go further and permit the remedy to be applied after the case is heard and decided, as we fear that such a precedent would work greater injustice and hardship in its general use and application than that which may exist in any particular case."

FOURTH. The court has, in the opinion upon which the District Court was directed to proceed, expressly decided the questions now sought to be reopened upon a mere suggestion that it passed upon questions of fact without sufficient evidence.

The court is not now composed of the same members as when the decision was made. Only three of the learned

justices who took part in the decision of the court are now on its bench. The decision as made cannot be reviewed by the successors of the justices who took part in it. There is no warrant in the Constitution, in the judiciary act, or in the course of practice and procedure for a rehearing or review of the former case as brought here on appeal.

FIFTH. The United States has in fact waived all questions in this cause except the question of amount of damages, as the present record shows, and as the course of procedure fully attests. The reservation of the question of damages was by consent. The order of reference to ascertain the damages was by consent.

The appearance of the United States in this court, and the argument of the cause by the Attorney-General was an express waiver of objection to the record, and if necessary the Court will conclude that it was upon the admissions made on the argument that its own decision was based.

The printed brief on the part of the United States in the District court on the exceptions to the Commissioner's last report assessing the claimant's damages took the ground that the vessel was never seized as prize because taken by United States soldiers to meet the pressing wants of the army at the time.

*See the Brief, second point, page 13.*

SIXTH. The decree of restitution was right and was properly acquiesced in by the United States. There was nothing in the proofs to show that the master of the vessel had any knowledge of the character of the letters put on board at Georgetown. The putting in to Georgetown was no part of the intended voyage; the vessel was driven in there by stress of weather, and was under duress of seizure by the Confederate forces, and took on board a passenger who alone had knowledge of what was contained in the letters which are made the ground of complaint.